

106TH CONGRESS
1ST SESSION

S. 899

To reduce crime and protect the public in the 21st Century by strengthening Federal assistance to State and local law enforcement, combating illegal drugs and preventing drug use, attacking the criminal use of guns, promoting accountability and rehabilitation of juvenile criminals, protecting the rights of victims in the criminal justice system, and improving criminal justice rules and procedures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 1999

Mr. HATCH (for himself, Mr. THURMOND, Mr. SPECTER, Mr. DEWINE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. SESSIONS, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reduce crime and protect the public in the 21st Century by strengthening Federal assistance to State and local law enforcement, combating illegal drugs and preventing drug use, attacking the criminal use of guns, promoting accountability and rehabilitation of juvenile criminals, protecting the rights of victims in the criminal justice system, and improving criminal justice rules and procedures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) IN GENERAL.—This Act may be cited as the
3 “21st Century Justice Act of 1999”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

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1 **SEC. 2. SEVERABILITY.**

2 If any provision of this Act, an amendment made by
 3 this Act, or the application of such provision or amend-
 4 ment to any person or circumstance is held to be unconsti-
 5 tutional, the remainder of this Act, the amendments made
 6 by this Act, and the application of the provisions of such
 7 to any person or circumstance shall not be affected there-
 8 by.

9 **TITLE I—NEW MILLENNIUM LAW** 10 **ENFORCEMENT ASSISTANCE**

11 **SEC. 1001. SHORT TITLE.**

12 This title may be cited as the “New Millennium Law
 13 Enforcement Assistance Act”.

**Subtitle A—Local Law
Enforcement Block Grants**

SEC. 1101. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This subtitle may be cited as the “Local Government Law Enforcement Block Grant Act of 1999”.

(b) DEFINITIONS.—In this subtitle:

(1) DIRECTOR.—The term “Director” means the Director of the Bureau of Justice Assistance of the Department of Justice.

(2) JUVENILE.—The term “juvenile” means an individual who is 17 years of age or younger.

(3) LAW ENFORCEMENT EXPENDITURES.—The term “law enforcement expenditures” means the current operation expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census.

(4) PART 1 VIOLENT CRIMES.—The term “part 1 violent crimes” means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

(5) PAYMENT PERIOD.—The term “payment period” means each 1-year period beginning on Oc-

1 tober 1 of any year in which a grant under this sub-
2 title is awarded.

3 (6) STATE.—The term “State” means any
4 State of the United States, the District of Columbia,
5 the Commonwealth of Puerto Rico, the Virgin Is-
6 lands, American Samoa, Guam, and the Northern
7 Mariana Islands, except that American Samoa,
8 Guam, and the Northern Mariana Islands shall be
9 considered as 1 State and that, for purposes of sec-
10 tion 1105(a), 33 percent of the amounts allocated
11 shall be allocated to American Samoa, 50 percent to
12 Guam, and 17 percent to the Northern Mariana Is-
13 lands.

14 (7) UNIT OF LOCAL GOVERNMENT.—The term
15 “unit of local government” means—

16 (A) a county, township, city, or political
17 subdivision of a county, township, or city, that
18 is a general purpose unit of local government,
19 as determined by the Secretary of Commerce
20 for general statistical purposes, including a par-
21 ish sheriff in the State of Louisiana at the par-
22 ish level;

23 (B) the District of Columbia and the rec-
24 ognized governing body of an Indian tribe or

1 Alaska Native village that carries out substan-
 2 tial governmental duties and powers; and

3 (C) the Commonwealth of Puerto Rico, in
 4 addition to being considered a State, for the
 5 purposes set forth in section 1102(a)(2).

6 **SEC. 1102. PAYMENTS TO LOCAL GOVERNMENTS.**

7 (a) PAYMENT AND USE.—

8 (1) PAYMENT.—The Director shall pay to each
 9 unit of local government that qualifies for a payment
 10 under this subtitle an amount equal to the sum of
 11 any amounts allocated to such unit under this sub-
 12 title for each payment period. The Director shall pay
 13 such amount from amounts appropriated to carry
 14 out this subtitle.

15 (2) USE.—Amounts paid to a unit of local gov-
 16 ernment under this section shall be used by the unit
 17 for reducing crime and improving public safety, in-
 18 cluding but not limited to, 1 or more of the following
 19 purposes:

20 (A)(i) Hiring, training, and employing on a
 21 continuing basis new, additional law enforce-
 22 ment officers and necessary support personnel.

23 (ii) Paying overtime to presently employed
 24 law enforcement officers and necessary support

1 personnel for the purpose of increasing the
2 number of hours worked by such personnel.

3 (iii) Procuring equipment, technology, and
4 other material directly related to basic law en-
5 forcement functions.

6 (B) Enhancing security measures—

7 (i) in and around schools; and

8 (ii) in and around any other facility or
9 location that is considered by the unit of
10 local government to have a special risk for
11 incidents of crime.

12 (C) Establishing crime prevention pro-
13 grams that may, though not exclusively, involve
14 law enforcement officials and that are intended
15 to discourage, disrupt, or interfere with the
16 commission of criminal activity, including
17 neighborhood watch and citizen patrol pro-
18 grams, sexual assault and domestic violence
19 programs, and programs intended to prevent ju-
20 venile crime.

21 (D) Establishing or supporting drug
22 courts.

23 (E) Establishing early intervention and
24 prevention programs for juveniles to reduce or
25 eliminate crime.

1 (F) Enhancing the adjudication process of
2 cases involving violent offenders, including the
3 adjudication process of cases involving violent
4 juvenile offenders.

5 (G) Enhancing programs under subpart 1
6 of part E of the Omnibus Crime Control and
7 Safe Streets Act of 1968.

8 (H) Establishing cooperative task forces
9 between adjoining units of local government to
10 work cooperatively to prevent and combat crimi-
11 nal activity, particularly criminal activity that is
12 exacerbated by drug or gang-related involve-
13 ment.

14 (I) Establishing a multijurisdictional task
15 force, particularly in rural areas, composed of
16 law enforcement officials representing units of
17 local government, that works with Federal law
18 enforcement officials to prevent and control
19 crime.

20 (J) Establishing or supporting programs
21 designed to collect, record, retain, and dissemi-
22 nate information useful in the identification,
23 prosecution, and sentencing of offenders, such
24 as criminal history information, fingerprints,
25 DNA tests, and ballistics tests.

1 (3) DEFINITIONS.—In this subsection—

2 (A) the term “drug courts” means a pro-
3 gram that involves—

4 (i) continuing judicial supervision over
5 offenders with substance abuse problems
6 who are not violent offenders; and

7 (ii) the integrated administration of
8 other sanctions and services, which shall
9 include—

10 (I) mandatory periodic testing for
11 the use of controlled substances or
12 other addictive substances during any
13 period of supervised release or proba-
14 tion for each participant;

15 (II) substance abuse treatment
16 for each participant;

17 (III) probation, or other super-
18 vised release involving the possibility
19 of prosecution, confinement, or incar-
20 ceration based on noncompliance with
21 program requirements or failure to
22 show satisfactory progress; and

23 (IV) programmatic, offender
24 management, and aftercare services
25 such as relapse prevention, vocational

1 job training, job placement, and hous-
2 ing placement; and

3 (B) the term “violent offender” means a
4 person charged with committing a part I violent
5 crime.

6 (b) PROHIBITED USES.—Notwithstanding any other
7 provision of this subtitle, a unit of local government may
8 not expend any of the funds provided under this subtitle
9 to purchase, lease, rent, or otherwise acquire—

- 10 (1) tanks or armored personnel carriers;
11 (2) fixed wing aircraft;
12 (3) limousines;
13 (4) real estate;
14 (5) yachts;
15 (6) consultants; or
16 (7) vehicles not primarily used for law enforce-
17 ment;

18 unless the Attorney General certifies that extraordinary
19 and exigent circumstances exist that make the use of
20 funds for such purposes essential to the maintenance of
21 public safety and good order in such unit of local govern-
22 ment. With regard to paragraph (2), such circumstances
23 shall be deemed to exist with respect to a unit of local
24 government in a rural State, as defined in section 1501
25 of the Omnibus Crime Control and Safe Streets Act of

1 1968 (42 U.S.C. 3796bb), upon certification by the chief
 2 law enforcement officer of the unit of local government
 3 that the unit of local government is experiencing an in-
 4 crease in production or cultivation of a controlled sub-
 5 stance or listed chemical (as defined in section 102 of the
 6 Controlled Substances Act), and that the fixed wing air-
 7 craft will be used in the detection, disruption, or abate-
 8 ment of such production or cultivation.

9 (c) TIMING OF PAYMENTS.—The Director shall pay
 10 each unit of local government that has submitted an appli-
 11 cation under this subtitle not later than the later of—

12 (1) 90 days after the date on which that the
 13 amount is available; or

14 (2) the first day of the payment period if the
 15 unit of local government has provided the Director
 16 with the assurances required by section 1104(c).

17 (d) ADJUSTMENTS.—

18 (1) IN GENERAL.—Subject to paragraph (2),
 19 the Director shall adjust a payment under this sub-
 20 title to a unit of local government to the extent that
 21 a prior payment to the unit of local government was
 22 more or less than the amount required to be paid.

23 (2) CONSIDERATIONS.—The Director may in-
 24 crease or decrease under this subsection a payment
 25 to a unit of local government only if the Director de-

1 termines the need for the increase or decrease, or if
 2 the unit requests the increase or decrease, not later
 3 than 1 year after the end of the payment period for
 4 which a payment was made.

5 (e) RESERVATION FOR ADJUSTMENT.—The Director
 6 may reserve a percentage of not more than 2 percent of
 7 the amount under this section for a payment period for
 8 all units of local government in a State if the Director
 9 considers the reserve is necessary to ensure the availability
 10 of sufficient amounts to pay adjustments after the final
 11 allocation of amounts among the units of local government
 12 in the State.

13 (f) REPAYMENT OF UNEXPENDED AMOUNTS.—

14 (1) REPAYMENT REQUIRED.—A unit of local
 15 government shall repay to the Director, by not later
 16 than 27 months after receipt of funds from the Di-
 17 rector, any amount that is—

18 (A) paid to the unit from amounts appro-
 19 priated under the authority of this section; and

20 (B) not expended by the unit within 2
 21 years after receipt of such funds from the Di-
 22 rector.

23 (2) PENALTY FOR FAILURE TO REPAY.—If the
 24 amount required to be repaid is not repaid, the Di-

1 rector shall reduce payment in future payment peri-
2 ods accordingly.

3 (3) DEPOSIT OF AMOUNTS REPAID.—Amounts
4 received by the Director as repayments under this
5 subsection shall be deposited in a designated fund
6 for future payments to units of local government.
7 Any amounts remaining in such designated fund
8 after 5 years following the date of enactment of this
9 Act shall be applied to the Federal deficit or, if there
10 is no Federal deficit, to reducing the Federal debt.

11 (g) NONSUPPLANTING REQUIREMENT.—Funds made
12 available under this subtitle to units of local government
13 shall not be used to supplant State or local funds, but
14 shall be used to increase the amount of funds that would,
15 in the absence of funds made available under this subtitle,
16 be made available from State or local sources.

17 (h) MATCHING FUNDS.—The Federal share of a
18 grant received under this subtitle may not exceed 90 per-
19 cent of the costs of a program or proposal funded under
20 this subtitle. No funds provided under this subtitle may
21 be used as matching funds for any other Federal grant
22 program.

1 **SEC. 1103. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated to carry out this subtitle
4 \$750,000,000 for each of fiscal years 2000 through 2005.

5 (b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRA-
6 TION.—Not more than 3 percent of the amount authorized
7 to be appropriated under subsection (a) for each of fiscal
8 years 2000 through 2005 shall be available to the Attor-
9 ney General for studying the overall effectiveness and effi-
10 ciency of the provisions of this subtitle, and assuring com-
11 pliance with the provisions of this subtitle and for adminis-
12 trative costs to carry out the purposes of this subtitle.
13 From the amount described in the preceding sentence, the
14 Bureau of Justice Assistance shall receive such sums as
15 may be necessary for the actual costs of administration
16 and monitoring. The Attorney General shall establish and
17 execute an oversight plan for monitoring the activities of
18 grant recipients. Such sums are to remain available until
19 expended.

20 (c) FUNDING SOURCE.—Appropriations for activities
21 authorized in this subtitle may be made from the Violent
22 Crime Reduction Trust Fund.

23 (d) TECHNOLOGY ASSISTANCE.—Of the amount ap-
24 propriated under subsection (a) for each of fiscal years
25 2000 through 2005, the Attorney General shall reserve 3
26 percent of the amount authorized to the Office of Justice

1 Programs, relying principally on the expertise of the Bu-
 2 reau of Justice Statistics, for distribution in a manner
 3 consistent with the Crime Identification Technology Act
 4 of 1998 (title I of Public Law 105–251; 42 U.S.C. 14601),
 5 for State and local information and identification tech-
 6 nology, including access to the Integrated Automated Fin-
 7 gerprint Identification System (IAFIS), DNA, and ballis-
 8 tics systems.

9 (e) AVAILABILITY.—The amounts appropriated
 10 under subsection (a) shall remain available until expended.

11 **SEC. 1104. QUALIFICATION FOR PAYMENT.**

12 (a) IN GENERAL.—The Director shall issue regula-
 13 tions establishing procedures under which a unit of local
 14 government is required to provide notice to the Director
 15 regarding the proposed use of funds made available under
 16 this subtitle.

17 (b) PROGRAM REVIEW.—The Director shall establish
 18 a process for the ongoing evaluation of projects developed
 19 with funds made available under this subtitle.

20 (c) GENERAL REQUIREMENTS FOR QUALIFICA-
 21 TION.—A unit of local government qualifies for a payment
 22 under this subtitle for a payment period only if the unit
 23 of local government submits an application to the Director
 24 and establishes, to the satisfaction of the Director, that—

1 (1) the unit of local government has established
2 a local advisory board that—

3 (A) includes, but is not limited to, a rep-
4 resentative from—

5 (i) the local police department or local
6 sheriff's department;

7 (ii) the local prosecutor's office;

8 (iii) the local court system;

9 (iv) the local public school system;

10 and

11 (v) a local nonprofit, educational, reli-
12 gious, or community group active in crime
13 prevention or drug use prevention or treat-
14 ment;

15 (B) has reviewed the application; and

16 (C) is designated to make nonbinding rec-
17 ommendations to the unit of local government
18 for the use of funds received under this subtitle;

19 (2) the chief executive officer of the State has
20 had not less than 20 days to review and comment
21 on the application before submission to the Director;

22 (3)(A) the unit of local government will estab-
23 lish a trust fund in which the government will de-
24 posit all payments received under this subtitle; and

1 (B) the unit of local government will use
2 amounts in the trust fund (including interest) dur-
3 ing a period not to exceed 2 years from the date the
4 first grant payment is made to the unit of local gov-
5 ernment;

6 (4) the unit of local government will expend the
7 payments received in accordance with the laws and
8 procedures that are applicable to the expenditure of
9 revenues of the unit of local government;

10 (5) the unit of local government will use ac-
11 counting, audit, and fiscal procedures that conform
12 to guidelines, which shall be prescribed by the Direc-
13 tor after consultation with the Comptroller General
14 of the United States and, as applicable, amounts re-
15 ceived under this subtitle shall be audited in compli-
16 ance with the Single Audit Act of 1984;

17 (6) after reasonable notice from the Director or
18 the Comptroller General of the United States to the
19 unit of local government, the unit of local govern-
20 ment will make available to the Director and the
21 Comptroller General of the United States, with the
22 right to inspect, records that the Director reasonably
23 requires to review compliance with this subtitle or
24 that the Comptroller General of the United States

1 reasonably requires to review compliance and oper-
2 ation;

3 (7) a designated official of the unit of local gov-
4 ernment shall make reports the Director reasonably
5 requires, in addition to the annual reports required
6 under this subtitle;

7 (8) the unit of local government will spend the
8 funds made available under this subtitle only for the
9 purposes set forth in section 1102(a)(2);

10 (9) the unit of local government will achieve a
11 net gain in the number of law enforcement officers
12 who perform nonadministrative public safety service
13 if such unit uses funds received under this subtitle
14 to increase the number of law enforcement officers
15 as described under section 1102(a)(2)(A);

16 (10) the unit of local government—

17 (A) has an adequate process to assess the
18 impact of any enhancement of a school security
19 measure that is undertaken under section
20 1102(a)(2)(B), or any crime prevention pro-
21 grams that are established under subpara-
22 graphs (C) and (E) of section 1102(a)(2), on
23 the incidence of crime in the geographic area
24 where the enhancement is undertaken or the
25 program is established;

1 (B) will conduct such an assessment with
2 respect to each such enhancement or program;
3 and

4 (C) will submit an annual written assess-
5 ment report to the Director; and

6 (11) the unit of local government has estab-
7 lished procedures to give members of the Armed
8 Forces who, on or after October 1, 1990, were or
9 are selected for involuntary separation (as described
10 in section 1141 of title 10, United States Code), ap-
11 proved for separation under section 1174a or 1175
12 of such title, or retired pursuant to the authority
13 provided under section 4403 of the Defense Conver-
14 sion, Reinvestment, and Transition Assistance Act of
15 1992 (division D of Public Law 102–484; 10 U.S.C.
16 1293 note), a suitable preference in the employment
17 of persons as additional law enforcement officers or
18 support personnel using funds made available under
19 this subtitle. The nature and extent of such employ-
20 ment preference shall be jointly established by the
21 Attorney General and the Secretary of Defense. To
22 the extent practicable, the Director shall endeavor to
23 inform members who were separated between Octo-
24 ber 1, 1990, and the date of enactment of this Act
25 of their eligibility for the employment preference.

1 (d) SANCTIONS FOR NONCOMPLIANCE.—

2 (1) IN GENERAL.—If the Director determines
3 that a unit of local government has not complied
4 substantially with the requirements or regulations
5 prescribed under subsections (a) and (c), the Direc-
6 tor shall notify the unit of local government that if
7 the unit of local government does not take corrective
8 action within 60 days of such notice, the Director
9 will withhold additional payments to the unit of local
10 government for the current and future payment peri-
11 ods until the Director is satisfied that the unit of
12 local government—

13 (A) has taken the appropriate corrective
14 action; and

15 (B) will comply with the requirements and
16 regulations prescribed under subsections (a)
17 and (c).

18 (2) NOTICE.—Before giving notice under para-
19 graph (1), the Director shall give the chief executive
20 officer of the unit of local government reasonable no-
21 tice and an opportunity for comment.

22 (e) MAINTENANCE OF EFFORT REQUIREMENT.—A
23 unit of local government qualifies for a payment under this
24 subtitle for a payment period only if the unit's expendi-
25 tures on law enforcement services (as reported by the Bu-

1 reau of the Census) for the fiscal year preceding the fiscal
 2 year in which the payment period occurs were not less
 3 than 90 percent of the unit's expenditures on such services
 4 for the second fiscal year preceding the fiscal year in which
 5 the payment period occurs.

6 **SEC. 1105. ALLOCATION AND DISTRIBUTION OF FUNDS.**

7 (a) STATE SET-ASIDE.—

8 (1) IN GENERAL.—Of the total amounts appro-
 9 priated for this subtitle for each payment period, the
 10 Director shall allocate for units of local government
 11 in each State an amount that bears the same ratio
 12 to such total as the average annual number of part
 13 1 violent crimes reported by such State to the Fed-
 14 eral Bureau of Investigation for the 3 most recent
 15 calendar years for which such data is available bears
 16 to the number of part 1 violent crimes reported by
 17 all States to the Federal Bureau of Investigation for
 18 such years.

19 (2) MINIMUM REQUIREMENT.—Each State shall
 20 receive not less than 0.5 percent of the total
 21 amounts appropriated under section 1103 under this
 22 subsection for each payment period.

23 (3) PROPORTIONAL REDUCTION.—If amounts
 24 available to carry out paragraph (2) for any pay-
 25 ment period are insufficient to pay in full the total

1 payment that any State is otherwise eligible to re-
 2 ceive under paragraph (1) for such period, the Di-
 3 rector shall reduce payments under paragraph (1)
 4 for such payment period to the extent of such insuf-
 5 ficiency. Reductions under the preceding sentence
 6 shall be allocated among the States (other than
 7 States whose payment is determined under para-
 8 graph (2)) in the same proportions as amounts
 9 would be allocated under paragraph (1) without re-
 10 gard to paragraph (2).

11 (b) LOCAL DISTRIBUTION.—

12 (1) AMOUNT OF ALLOCATION.—From the total
 13 amount allocated for all units of local government in
 14 a State under subsection (a), the Director shall allo-
 15 cate to each unit of local government an amount
 16 which bears the same ratio to such total amount as
 17 the average annual number of part 1 violent crimes
 18 reported by such unit to the Federal Bureau of In-
 19 vestigation for the 3 most recent calendar years for
 20 which such data is available bears to the number of
 21 part 1 violent crimes reported by all units of local
 22 government in the State in which the unit is located
 23 to the Federal Bureau of Investigation for such
 24 years.

25 (2) EXPENDITURES.—

1 (A) IN GENERAL.—The amount allocated
2 to a unit of local government under paragraph
3 (1) for a payment period may not exceed 100
4 percent of law enforcement expenditures of the
5 unit of local government for such payment pe-
6 riod.

7 (B) REALLOCATION.—The portion of the
8 amount allocated to a unit of local government
9 that is not available to such unit of local gov-
10 ernment by operation of subparagraph (A) shall
11 be allocated on a pro rata basis among units of
12 local government that are not affected by the
13 operation of subparagraph (A) in accordance
14 with this subsection.

15 (3) LOCAL GOVERNMENTS WITH ALLOCATIONS
16 OF LESS THAN \$5,000.—If the amount allocated to a
17 unit of local government under paragraph (1) for a
18 payment period is less than \$5,000, the amount allo-
19 cated shall be transferred to the chief executive offi-
20 cer of the State, who shall distribute the amount
21 among State police departments that provide law en-
22 forcement services to units of local government and
23 units of local government whose allotment is less
24 than that amount in a manner that reduces crime
25 and improves public safety.

1 (4) SPECIAL RULE.—If a unit of local govern-
 2 ment in a State has been annexed since the date of
 3 the collection of the data used by the Director in
 4 making allocations pursuant to this subsection, the
 5 Director shall pay the amount that would have been
 6 allocated to such unit of local government under this
 7 subsection to the unit of local government that an-
 8 nexed that unit of local government.

9 (5) RESOLUTION OF DISPARATE ALLOCA-
 10 TIONS.—

11 (A) DEFINITION OF GEOGRAPHICALLY
 12 CONSTITUENT UNIT OF LOCAL GOVERNMENT.—

13 In this paragraph, the term “geographically
 14 constituent unit of local government” means a
 15 unit of local government, as defined in section
 16 1101(b) and regardless of eligibility, that has
 17 jurisdiction over areas located within the bound-
 18 aries of an area over which a unit of local gov-
 19 ernment certified pursuant to this paragraph
 20 has jurisdiction.

21 (B) REQUEST FOR CERTIFICATION.—Not-
 22 withstanding any other provision of this sub-
 23 title, a unit of local government under the juris-
 24 diction of a State may submit to the attorney
 25 general of the State a request for certification

1 under subparagraph (C) if such unit of local
 2 government received funds during fiscal year
 3 1998 pursuant to a joint spending plan under
 4 the Local Law Enforcement Block Grant Pro-
 5 gram pursuant to H.R. 728, as passed by the
 6 House of Representatives on February 14,
 7 1995.

8 (C) CERTIFICATION.—Not later than 30
 9 days after receipt of a request for certification
 10 under subparagraph (B), the attorney general
 11 of the State shall either—

12 (i) make such a certification, if the at-
 13 torney general determines that—

14 (I) the unit of local government
 15 bears more than 50 percent of the
 16 costs of prosecution or incarceration
 17 that arise with respect to part I vio-
 18 lent crimes reported by a specified
 19 geographically constituent unit of
 20 local government; and

21 (II) but for this paragraph, the
 22 amount of funds allocated under this
 23 title to—

24 (aa) any 1 specified geo-
 25 graphically constituent unit of

1 local government exceeds 200
 2 percent of the amount allocated
 3 to the unit of local government
 4 described in subclause (I); or

5 (bb) more than 1 specified
 6 geographically constituent unit of
 7 local government (excluding the
 8 units of local government re-
 9 ferred to in item (aa) and in
 10 paragraph (4)), exceeds 400 per-
 11 cent of the amount allocated to
 12 the unit of local government de-
 13 scribed in subclause (I); and

14 (III) such allocation is likely to
 15 threaten the efficient administration
 16 of justice; or

17 (ii) if the attorney general determines
 18 that the requirements of clause (i) are not
 19 met, decline to make such a certification.

20 (D) EFFECT OF CERTIFICATION.—

21 (i) IN GENERAL.—If the attorney gen-
 22 eral of a State makes a certification under
 23 subparagraph (C)(i), the unit of local gov-
 24 ernment, together with the specified geo-
 25 graphically constituent units of local gov-

1 ernment described in subparagraph
 2 (C)(i)(II) may submit to the Director a
 3 joint spending plan reflecting the combined
 4 plan for such units of local government.

5 (ii) CONTENTS OF JOINT SPENDING
 6 PLAN.—Each joint spending plan sub-
 7 mitted under this subparagraph shall
 8 specify the amount of such funds that are
 9 to be distributed to each of unit of local
 10 government and the purposes for which
 11 those funds are to be used.

12 (iii) JOINT LOCAL ADVISORY
 13 BOARD.—Any units of local government
 14 submitting a joint spending plan under
 15 this subparagraph may establish a joint
 16 local advisory board to carry out this sub-
 17 paragraph.

18 (c) GRANTS TO INDIAN TRIBES.—Notwithstanding
 19 subsections (a) and (b), of the amount appropriated under
 20 section 1103(a) in each of fiscal years 2000 through 2005,
 21 the Attorney General shall reserve 0.3 percent for grants
 22 to Indian tribal governments performing law enforcement
 23 functions, to be used for the purposes described in section
 24 1102. To be eligible to receive a grant with amounts set
 25 aside under this subsection, an Indian tribal government

1 shall submit to the Attorney General an application in
 2 such form and containing such information as the Attor-
 3 ney General may by regulation require.

4 (d) GRANTS TO PUERTO RICO.—The Commonwealth
 5 of Puerto Rico may distribute any portion of a grant re-
 6 ceived under this subtitle to units of local government
 7 within the Commonwealth of Puerto Rico for purposes
 8 consistent with this subtitle.

9 (e) UNAVAILABILITY AND INACCURACY OF INFORMA-
 10 TION.—

11 (1) DATA FOR STATES.—For purposes of this
 12 section, if data regarding part 1 violent crimes in
 13 any State for the 3 most recent calendar years is
 14 unavailable, insufficient, or substantially inaccurate,
 15 the Director shall utilize the best available com-
 16 parable data regarding the number of violent crimes
 17 for such years for such State for the purposes of al-
 18 location of any funds under this subtitle.

19 (2) POSSIBLE INACCURACY OF DATA FOR UNITS
 20 OF LOCAL GOVERNMENT.—In addition to the provi-
 21 sions of paragraph (1), if the Director believes that
 22 the reported rate of part 1 violent crimes or legal ex-
 23 penditure information for a unit of local government
 24 is insufficient or inaccurate, the Director shall—

1 (A) investigate the methodology used by
2 such unit to determine the accuracy of the sub-
3 mitted data; and

4 (B) when necessary, use the best available
5 comparable data regarding the number of vio-
6 lent crimes or legal expenditure information for
7 such years for such unit of local government.

8 **SEC. 1106. UTILIZATION OF PRIVATE SECTOR.**

9 Funds or a portion of funds allocated under this sub-
10 title may be utilized to contract with private, nonprofit en-
11 tities or community-based organizations to carry out the
12 purposes specified under section 1102(a)(2).

13 **SEC. 1107. PUBLIC PARTICIPATION.**

14 (a) IN GENERAL.—A unit of local government ex-
15 pending payments under this subtitle shall hold not less
16 than 1 public hearing on the proposed use of the payment
17 from the Director in relation to its entire budget.

18 (b) VIEWS.—At the hearing, persons shall be given
19 an opportunity to provide written and oral views to the
20 unit of local government authority responsible for enacting
21 the budget.

22 (c) TIME AND PLACE.—The unit of local government
23 shall hold the hearing at a time and place that allows and
24 encourages public attendance and participation.

1 **SEC. 1108. ADMINISTRATIVE PROVISIONS.**

2 The administrative provisions of part H of the Omni-
 3 bus Crime Control and Safe Streets Act of 1968 (42
 4 U.S.C. 3782 et seq.), shall apply to this subtitle and for
 5 purposes of this section any reference in such provisions
 6 to title I of the Omnibus Crime Control and Safe Streets
 7 Act of 1968 (42 U.S.C. 3711 et seq.) shall be deemed to
 8 be a reference to this subtitle.

9 **Subtitle B—New Millennium Public**
 10 **Safety And Policing Grants**

11 **SEC. 1201. AUTHORITY TO MAKE PUBLIC SAFETY AND PO-**
 12 **LICING GRANTS.**

13 Section 1701 of the Omnibus Crime Control and Safe
 14 Streets Act of 1968 (42 U.S.C. 3796dd) to read as follows:

15 **“SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND PO-**
 16 **LICING GRANTS.**

17 “(a) GRANT AUTHORIZATION.—Subject to the re-
 18 quirements of this part, the Attorney General may make
 19 grants (to be known as ‘New Millennium Public Safety
 20 and Policing Grants’) to States, units of local government,
 21 Indian tribal governments, other public and private enti-
 22 ties, and multi-jurisdictional or regional consortia
 23 thereof—

24 “(1) to increase police presence;

25 “(2) to develop, implement, and expand law en-
 26 forcement strategies which emphasize zero-tolerance

1 policing, crime mapping, and command account-
2 ability to target high-crime areas; and

3 “(3) to expand and improve cooperative efforts
4 between law enforcement agencies and members of
5 the community to address crime and disorder prob-
6 lems.

7 “(b) USES OF GRANTS.—

8 “(1) IN GENERAL.—Grants made under sub-
9 section (a) may be used for programs, projects, and
10 other activities to—

11 “(A) hire and train new, additional career
12 law enforcement officers, or pay overtime to ex-
13 isting career law enforcement officers, for the
14 purposes described in subsection (a);

15 “(B) retain career law enforcement officers
16 hired with Federal assistance after January 1,
17 1995;

18 “(C) procure equipment, technology, and
19 computer systems, or hire support personnel,
20 for the implementation of zero-tolerance polic-
21 ing, crime mapping, and command account-
22 ability;

23 “(D) procure equipment and law enforce-
24 ment or civilian support personnel to expand
25 coverage, enhance law enforcement presence,

1 and improve law enforcement response time in
2 rural areas; and

3 “(E) establish school-based partnerships
4 between local law enforcement agencies and
5 local school systems by using school resource of-
6 ficers who operate in and around elementary
7 and secondary schools to combat school-related
8 crime and disorder problems, gangs, and drug
9 activities.

10 “(2) LIMITATION ON USE.—Not more than 60
11 percent of the funds received by a government, enti-
12 ty, or consortia under a grant made under sub-
13 section (a) may be used for purposes specified in
14 paragraph (1)(C).

15 “(c) TROOPS-TO-COPS PROGRAMS.—

16 “(1) IN GENERAL.—Grants made under sub-
17 section (a) may be used to hire former members of
18 the Armed Forces to serve as career law enforce-
19 ment officers, particularly in communities that are
20 adversely affected by the recent closure of a military
21 installation.

22 “(2) DEFINITION.—In this subsection, ‘former
23 member of the Armed Forces’ means a member of
24 the Armed Forces of the United States who is invol-
25 untarily separated from the Armed Forces within

1 the meaning of section 1141 of title 10, United
2 States Code.

3 “(d) ADDITIONAL USES OF GRANTS.—Grants made
4 under subsection (a) may also be used for programs,
5 projects, and other activities to—

6 “(1) increase the number of law enforcement
7 officers involved in activities that are focused on
8 interaction with members of the community on
9 proactive crime control and prevention by rede-
10 ploying officers to such activities;

11 “(2) promote the active involvement of citizens
12 in neighborhood crime control and prevention activi-
13 ties, such as Neighborhood Watch programs, neigh-
14 borhood video monitoring, and citizen ride-along pro-
15 grams;

16 “(3) augment, for a period not to exceed 90
17 days (which may be extended at the discretion of the
18 Attorney General), law enforcement personnel in a
19 State or political subdivision thereof with law en-
20 forcement personnel on loan or temporary transfer
21 from another jurisdiction in the same State or an-
22 other State or political subdivision thereof if—

23 “(A) the chief executive officer of the State
24 seeking the augmentation certifies that the
25 State or political subdivision thereof is experi-

1 encing temporary emergency civil or criminal
2 disorder, such as rioting or looting, requiring
3 the deployment of additional law enforcement
4 officers;

5 “(B) the chief executive of such State cer-
6 tifies that the State or political subdivision
7 thereof requires the deployment of additional
8 law enforcement officers to respond to the
9 aftermath of an act of terrorism; or

10 “(C) such State or political subdivision
11 thereof is the site of a designated special event
12 pursuant to Presidential Decision Directive 62,
13 issued May 22, 1998;

14 “(4) provide specialized training to law enforce-
15 ment officers to enhance their conflict resolution,
16 mediation, problem solving, service, and other skills
17 needed to work in partnership with members of the
18 community;

19 “(5) increase police participation in multidisci-
20 plinary early intervention teams;

21 “(6) develop new technologies to assist State
22 and local law enforcement agencies in reorienting
23 the emphasis of their activities from reacting to
24 crime to preventing crimes;

1 “(7) develop and implement innovative pro-
2 grams to permit members of the community to assist
3 State and local law enforcement agencies in the pre-
4 vention of crime in the community, such as a citi-
5 zens’ police academy, including programs designed
6 to increase the level of access to the criminal justice
7 system enjoyed by victims, witnesses, and ordinary
8 citizens by establishing decentralized satellite offices
9 (including video facilities) of principal criminal
10 courts buildings;

11 “(8) establish innovative programs to reduce,
12 and keep to a minimum, the amount of time that
13 law enforcement officers must be away from the
14 community while awaiting court appearances; and

15 “(9) support the purchase by a law enforcement
16 agency of no more than 1 service weapon per officer,
17 upon hiring.

18 “(e) PREFERENTIAL CONSIDERATION OF APPLICA-
19 TIONS FOR CERTAIN GRANTS.—In awarding grants under
20 this part, the Attorney General may give preferential con-
21 sideration, where feasible, to applications that involve a
22 non-Federal contribution exceeding the 25-percent min-
23 imum under subsection (i).

24 “(f) TECHNICAL ASSISTANCE.—The Attorney Gen-
25 eral may provide technical assistance to States, units of

1 local government, Indian tribal governments, and other
 2 public and private entities in furtherance of the purposes
 3 of this part.

4 “(g) UTILIZATION OF COMPONENTS.—The Attorney
 5 General may utilize any component or components of the
 6 Department of Justice in carrying out this part.

7 “(h) MINIMUM AMOUNT.—

8 “(1) IN GENERAL.—Unless all applications sub-
 9 mitted by any State and grantee within the State
 10 pursuant to subsection (a) have been funded, each
 11 qualifying State, together with grantees within the
 12 State, shall receive in each fiscal year pursuant to
 13 subsection (a) not less than 0.5 percent of the total
 14 amount appropriated in the fiscal year for grants
 15 pursuant to that subsection.

16 “(2) QUALIFYING STATE DEFINED.—In this
 17 subsection, ‘qualifying State’ means any State which
 18 has submitted an application for a grant, or in
 19 which an eligible entity has submitted an application
 20 for a grant, which meets the requirements prescribed
 21 by the Attorney General and the conditions set out
 22 in this part.

23 “(i) MATCHING FUNDS.—The portion of the costs of
 24 a program, project, or activity provided by a grant under
 25 subsection (a) may not exceed 75 percent, unless the At-

1 torney General waives, wholly or in part, the requirement
 2 under this subsection of a non-Federal contribution to the
 3 costs of a program, project, or activity. In relation to a
 4 grant for a period exceeding 1 year for hiring or rehiring
 5 career law enforcement officers, the Federal share shall
 6 decrease from year to year for up to 5 years, looking to-
 7 ward the continuation of the increased hiring level using
 8 State or local sources of funding following the conclusion
 9 of Federal support, as provided in an approved plan pur-
 10 suant to section 1702(c)(8).

11 “(j) ALLOCATION OF FUNDS.—The funds available
 12 under this part shall be allocated as provided in section
 13 1001(a)(11)(B).”.

14 **SEC. 1202. APPLICATIONS FOR GRANTS.**

15 Section 1702(c) of the Omnibus Crime Control and
 16 Safe Streets Act of 1968 (42 U.S.C. 3796dd–1(c)) is
 17 amended—

18 (1) in paragraph (8)—

19 (A) by striking “hiring or rehiring addi-
 20 tional” and inserting “the hiring or retention
 21 of”; and

22 (B) by striking “hiring level” and inserting
 23 “hiring or retention level”; and

24 (2) in paragraph (10), by striking “community-
 25 oriented” and all that follows and inserting “imple-

1 menting zero tolerance policing, crime mapping, and
 2 command accountability programs to target high-
 3 crime areas or, if applicable, improve law enforce-
 4 ment presence and response time in rural areas;
 5 and”.

6 **SEC. 1203. RENEWAL OF GRANTS.**

7 (a) IN GENERAL.—Section 1703 of the Omnibus
 8 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 9 3796dd–2) is amended—

10 (1) by striking “hiring or rehiring additional”
 11 each place it appears and inserting “the hiring or re-
 12 tention of”; and

13 (2) by striking “5 years” each place it appears
 14 and inserting “4 years”.

15 (b) CONFORMING AMENDMENT.—The subsection
 16 heading of subsection (b) of that section is amended by
 17 inserting “OR RETENTION” after “FOR HIRING”.

18 **SEC. 1204. LIMITATION ON USE OF FUNDS.**

19 (a) IN GENERAL.—Section 1704(c) of the Omnibus
 20 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 21 3796dd–3(c)) is amended—

22 (1) by striking “or rehiring”; and

23 (2) by inserting “, and funding provided under
 24 this part for retaining a career law enforcement offi-

1 cer under section 1701(b)(1)(B) may not exceed
 2 \$50,000,” after “\$75,000”.

3 (b) CONFORMING AMENDMENT.—The subsection
 4 heading for that section is amended by inserting “AND RE-
 5 TENTION” after “HIRING”.

6 **SEC. 1205. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 1001(a)(11) of the Omnibus Crime Control
 8 and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is
 9 amended—

10 (1) in subparagraph (A)—

11 (A) by striking “and” at the end of clause
 12 (v);

13 (B) by striking the period at the end of
 14 clause (vi) and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(vii) \$400,000,000 for each of fiscal years
 17 2001 through 2005.”; and

18 (2) in subparagraph (B)—

19 (A) by inserting “(i)” after “(B)”;

20 (B) by designating the third, fourth, and
 21 fifth sentences as clauses (iii), (iv), and (v), re-
 22 spectively, and in clause (iii), as so designated,
 23 by striking “Of the remaining funds,” and in-
 24 serting “Of the funds remaining after the appli-
 25 cation of clauses (i) and (ii),”; and

1 (C) by inserting after clause (i), as so des-
 2 ignated, the following new clause:

3 “(ii) Of the funds remaining after the application of
 4 clause (i), the Attorney General shall allocate up to 10
 5 percent of the funds for grants to communities experi-
 6 encing crime rates at least one and one half times greater
 7 than the national average. Such grants shall be made
 8 without regard to the requirements of section 1701(i).”.

9 **SEC. 1206. CLERICAL AMENDMENTS.**

10 (a) PART HEADING.—The part heading for part Q
 11 of title I of the Omnibus Crime Control and Safe Streets
 12 Act of 1968 is amended to read as follows:

13 **“PART Q—NEW MILLENNIUM PUBLIC**
 14 **SAFETY AND POLICING GRANTS”.**

15 (b) TABLE OF CONTENTS.—The table of contents of
 16 title I of that Act is amended by striking the items relating
 17 to part Q and to section 1701 and inserting the following
 18 new items:

“PART Q—NEW MILLENNIUM PUBLIC SAFETY AND POLICING GRANTS
 “1701. Authority to make public safety and policing grants.”.

19 **Subtitle C—Crime Identification**
 20 **Technology Act Improvements**

21 **SEC. 1301. FINDINGS.**

22 Congress makes the following findings:

1 (1) The Crime Identification Technology Act of
2 1998 (title I of Public Law 105–251; 112 Stat.
3 1871; 42 U.S.C. 14601) was enacted on October 9,
4 1998, to assist State and local justice systems to de-
5 velop integrated criminal justice information systems
6 to manage and communicate criminal justice infor-
7 mation among law enforcement agencies, courts,
8 prosecutors, and corrections, as well as to upgrade
9 the Nation’s crime laboratories.

10 (2) The Crime Identification Technology Act of
11 1998 authorizes \$250,000,000 for assistance to
12 States each year, for five years, for a broad range
13 of crime technology activities.

14 (3) State and local governments are at a crucial
15 juncture in the development and integration of their
16 criminal justice technology. The Crime Identification
17 Technology Act of 1998 provides for system integra-
18 tion for criminal justice purposes, permitting all
19 components of criminal justice to share information
20 and communicate more effectively, on a real-time
21 basis. Anticrime technology available today will allow
22 law enforcement to solve more crime, more rapidly,
23 and to pursue increasingly sophisticated, mobile
24 criminals.

1 (4) The Crime Identification Technology Act of
2 1998 also responds to the tremendous need to con-
3 solidate the patchwork of Federal programs, which
4 have funded specific areas of anticrime technology to
5 the exclusion of others. Between 1993 and 1998, the
6 Federal Government has provided more than
7 \$1,000,000,000 for such technology through more
8 than 60 separate Federal programs.

9 (5) The Crime Identification Technology Act of
10 1998 offers a dedicated, coordinated stream of fund-
11 ing to help States develop and upgrade their
12 anticrime technology from the patchwork of existing
13 programs, integrate law enforcement and public
14 safety records and communications, and integrate
15 and interface with national criminal information and
16 public safety databases, thereby providing States the
17 flexibility to meet their current technology needs
18 consistent with Federal investments in national
19 databases for criminal records, automated finger-
20 prints, DNA, ballistics, and other technologies.

21 **SEC. 1302. CRIME IDENTIFICATION TECHNOLOGY ACT IM-**
22 **PROVEMENTS.**

23 (a) USE OF PROGRAM FUNDS FOR CRIME TRACKING
24 AND FORECASTING GRANTS.—Subsection (b) of section
25 102 of the Crime Identification Technology Act of 1998

1 (title I of Public Law 105–251; 112 Stat. 1871; 42 U.S.C.
2 14601) is amended—

3 (1) by striking “and” at the end of paragraph
4 (15);

5 (2) by striking the period at the end of para-
6 graph (16) and inserting “; and”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(17) systems to provide real-time information
10 about street crime in order to facilitate development
11 of crime forecasting models, crime analysis, and
12 other information to assist policing activities to ad-
13 dress and prevent crime.”.

14 (b) INCREASED AUTHORIZATIONS FOR GRANTS
15 UNDER PROGRAM.—Subsection (e)(1) of that section is
16 amended by striking “this section” and all that follows
17 and inserting “this section:

18 “(A) \$250,000,000 for fiscal year 1999.

19 “(B) \$500,000,000 for each of fiscal years
20 2000 through 2003.”.

21 **SEC. 1303. VIOLENT OFFENDER DNA IDENTIFICATION.**

22 (a) ELIMINATION OF CONVICTED OFFENDER DNA
23 BACKLOG.—

24 (1) DEVELOPMENT OF PLAN.—

1 (A) IN GENERAL.—Not later than 45 days
2 after the date of enactment of this Act, the Di-
3 rector of the Federal Bureau of Investigation,
4 in coordination with the Assistant Attorney
5 General of the Office of Justice Programs at
6 the Department of Justice, and after consulta-
7 tion with representatives of State and local fo-
8 rensic laboratories, shall develop a voluntary
9 plan to assist State and local forensic labora-
10 tories in performing DNA analyses of DNA
11 samples collected from convicted offenders.

12 (B) OBJECTIVE.—The objective of the plan
13 developed under subparagraph (A) shall be to
14 effectively eliminate the backlog of convicted of-
15 fender DNA samples awaiting analysis in State
16 or local forensic laboratory storage, including
17 samples that need to be reanalyzed using up-
18 graded methods, in an efficient, expeditious
19 manner that will provide for their entry into the
20 Combined DNA Indexing System (CODIS).

21 (2) PLAN CONDITIONS.—The plan developed
22 under paragraph (1) shall—

23 (A) require that each laboratory per-
24 forming DNA analyses satisfy quality assurance
25 standards and utilize state-of-the-art testing

1 methods, as set forth by the Director of the
2 Federal Bureau of Investigation, in coordina-
3 tion with the Assistant Attorney General of the
4 Office of Justice Programs of the Department
5 of Justice; and

6 (B) require that each DNA sample col-
7 lected and analyzed be accessible only—

8 (i) to criminal justice agencies for law
9 enforcement identification purposes;

10 (ii) in judicial proceedings, if other-
11 wise admissible pursuant to applicable
12 statutes or rules;

13 (iii) for criminal defense purposes, to
14 a defendant, who shall have access to sam-
15 ples and analyses performed in connection
16 with the case in which such defendant is
17 charged; or

18 (iv) if personally identifiable informa-
19 tion is removed, for a population statistics
20 database, for identification research and
21 protocol development purposes, or for qual-
22 ity control purposes.

23 (3) IMPLEMENTATION OF PLAN.—Subject to
24 the availability of appropriations under paragraph
25 (4), the Director of the Federal Bureau of Investiga-

1 tion, in coordination with the Assistant Attorney
 2 General of the Office of Justice Programs at the De-
 3 partment of Justice, shall implement the plan devel-
 4 oped pursuant to paragraph (1) with State and local
 5 forensic laboratories that elect to participate.

6 (4) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated to the De-
 8 partment of Justice to carry out this subsection
 9 \$15,000,000 for each of fiscal years 2000 and 2001.

10 (b) EXPANSION OF DNA IDENTIFICATION INDEX.—

11 Section 811(a)(2) of the Antiterrorism and Effective
 12 Death Penalty Act of 1996 (28 U.S.C. 531 note) is
 13 amended to read as follows:

14 “(2) the Director of the Federal Bureau of In-
 15 vestigation shall expand the combined DNA Identi-
 16 fication System (CODIS) to include information on
 17 DNA identification records and analyses related to
 18 criminal offenses and acts of juvenile delinquency
 19 under Federal law, the Uniform Code of Military
 20 Justice, and the District of Columbia Code, in ac-
 21 cordance with section 210304 of the Violent Crime
 22 Control and Law Enforcement Act of 1994 (42
 23 U.S.C. 14132).”.

24 (c) INDEX TO FACILITATE LAW ENFORCEMENT EX-
 25 CHANGE OF DNA IDENTIFICATION INFORMATION.—Sec-

tion 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking “persons convicted of crimes” and inserting “individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))”;

(2) in subsection (b)(2), by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”; and

(3) by adding at the end the following:

“(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘crime of violence’ has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

“(B) the term ‘qualifying offense’ means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

“(2) REGULATIONS.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this sub-

1 section, and at the discretion of the Director
2 thereafter, the Director of the Federal Bureau
3 of Investigation, in consultation with the Direc-
4 tor of the Bureau of Prisons, the Director of
5 the Court Services and Offender Supervision
6 Agency for the District of Columbia or the
7 Trustee appointed under section 11232(a) of
8 the Balanced Budget Act of 1997 (as appro-
9 priate), and the Chief of Police of the Metro-
10 politan Police Department of the District of Co-
11 lumbia, shall by regulation establish—

12 “(i) a list of qualifying offenses; and

13 “(ii) standards and procedures for—

14 “(I) the analysis of DNA samples
15 collected from individuals convicted of
16 or adjudicated delinquent for a quali-
17 fying offense;

18 “(II) the inclusion in the index
19 established by this section of the DNA
20 identification records and DNA anal-
21 yses relating to the DNA samples de-
22 scribed in subclause (I); and

23 “(III) the expungement of DNA
24 identification records and DNA anal-
25 yses described in subclause (II) from

1 the index established by this section in
2 any circumstance in which the under-
3 lying conviction or adjudication for
4 the qualifying offense has been re-
5 versed or expunged.

6 “(B) OFFENSES INCLUDED.—The list es-
7 tablished under subparagraph (A)(i) shall
8 include—

9 “(i) each criminal offense or act of ju-
10 venile delinquency under Federal law
11 that—

12 “(I) constitutes a crime of vio-
13 lence; or

14 “(II) in the case of an act of ju-
15 venile delinquency, would, if com-
16 mitted by an adult, constitute a crime
17 of violence;

18 “(ii) each criminal offense under the
19 District of Columbia Code that would, if
20 committed in the special maritime and ter-
21 ritorial jurisdiction of the United States,
22 constitute a crime of violence; and

23 “(iii) any other felony offense under
24 Federal law or the District of Columbia

1 Code, as determined by the Director of the
2 Federal Bureau of Investigation.

3 “(3) FEDERAL OFFENDERS.—

4 “(A) COLLECTION OF SAMPLES FROM FED-
5 ERAL PRISONERS.—

6 “(i) IN GENERAL.—Beginning 180
7 days after the date of enactment of this
8 subsection, the Director of the Bureau of
9 Prisons shall collect a DNA sample from
10 each individual in the custody of the Bu-
11 reau of Prisons who has been convicted of
12 or adjudicated delinquent for a qualifying
13 offense.

14 “(ii) TIME AND MANNER.—The Direc-
15 tor of the Bureau of Prisons shall specify
16 the time and manner of collection of DNA
17 samples under this subparagraph.

18 “(B) COLLECTION OF SAMPLES FROM
19 FEDERAL OFFENDERS ON SUPERVISED RE-
20 LEASE, PAROLE, OR PROBATION.—

21 “(i) IN GENERAL.—Beginning 180
22 days after the date of enactment of this
23 subsection, the agency responsible for the
24 supervision under Federal law of an indi-
25 vidual on supervised release, parole, or pro-

bation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has been convicted of or adjudicated delinquent for a qualifying offense.

“(ii) TIME AND MANNER.—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

“(4) DISTRICT OF COLUMBIA OFFENDERS.—

“(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

“(i) IN GENERAL.—The Government of the District of Columbia may—

“(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

“(II) collect a DNA sample from each individual in any category identified under clause (i).

“(ii) DEFINITION.—In this subparagraph, the term ‘individuals in the custody

1 of, or under supervision by, the District of
2 Columbia’—

3 “(I) includes any individual in
4 the custody of, or under supervision
5 by, any agency of the Government of
6 the District of Columbia; and

7 “(II) does not include an indi-
8 vidual who is under the supervision of
9 the Director of the Court Services and
10 Offender Supervision Agency for the
11 District of Columbia or the Trustee
12 appointed under section 11232(a) of
13 the Balanced Budget Act of 1997.

14 “(B) OFFENDERS ON SUPERVISED RE-
15 LEASE, PROBATION, OR PAROLE.—

16 “(i) IN GENERAL.—Beginning 180
17 days after the date of enactment of this
18 subsection, the Director of the Court Serv-
19 ices and Offender Supervision Agency for
20 the District of Columbia, or the Trustee
21 appointed under section 11232(a) of the
22 Balanced Budget Act of 1997, as appro-
23 priate, shall collect a DNA sample from
24 each individual under the supervision of
25 the Agency or Trustee, respectively, who is

1 on supervised release, parole, or probation
2 who has been convicted of or adjudicated
3 delinquent for a qualifying offense.

4 “(ii) TIME AND MANNER.—The Direc-
5 tor or the Trustee, as appropriate, shall
6 specify the time and manner of collection
7 of DNA samples under this subparagraph.

8 “(5) WAIVER; COLLECTION PROCEDURES.—
9 Notwithstanding any other provision of this sub-
10 section, a person or agency responsible for the col-
11 lection of DNA samples under this subsection may—

12 “(A) waive the collection of a sample from
13 an individual under this subsection if another
14 person or agency has collected such a sample
15 from the individual under this subsection or
16 subsection (e); and

17 “(B) use or authorize the use of such
18 means as are necessary to restrain and collect
19 a DNA sample from an individual who refuses
20 to cooperate in the collection of the sample.

21 “(e) INCLUSION OF DNA INFORMATION RELATING
22 TO VIOLENT MILITARY OFFENDERS.—

23 “(1) IN GENERAL.—Not later than 120 days
24 after the date of enactment of this subsection, the

1 Secretary of Defense shall prescribe regulations
2 that—

3 “(A) specify categories of conduct punish-
4 able under the Uniform Code of Military Jus-
5 tice (referred to in this subsection as ‘qualifying
6 military offenses’) that are comparable to quali-
7 fying offenses (as defined in subsection (d)(1));
8 and

9 “(B) set forth standards and procedures
10 for—

11 “(i) the analysis of DNA samples col-
12 lected from individuals convicted of a
13 qualifying military offense;

14 “(ii) the inclusion in the index estab-
15 lished by this section of the DNA identi-
16 fication records and DNA analyses relating
17 to the DNA samples described in clause
18 (i); and

19 “(iii) the expungement of DNA identi-
20 fication records and DNA analyses de-
21 scribed in clause (ii) from the index estab-
22 lished by this section in any circumstance
23 in which the underlying conviction for the
24 qualifying military offense has been re-

1 versed or the underlying record has been
2 expunged for any other reason.

3 “(2) COLLECTION OF SAMPLES.—

4 “(A) IN GENERAL.—Beginning 180 days
5 after the date of enactment of this subsection,
6 the Secretary of Defense shall collect a DNA
7 sample from each individual under the jurisdic-
8 tion of the Secretary of a military department
9 who has been convicted of a qualifying military
10 offense.

11 “(B) TIME AND MANNER.—The Secretary
12 of Defense shall specify the time and manner of
13 collection of DNA samples under this para-
14 graph.

15 “(3) WAIVER; COLLECTION PROCEDURES.—
16 Notwithstanding any other provision of this sub-
17 section, the Secretary of Defense may—

18 “(A) waive the collection of a sample from
19 an individual under this subsection if another
20 person or agency has collected such a sample
21 from the individual under subsection (d); and

22 “(B) use or authorize the use of such
23 means as are necessary to restrain and collect
24 a DNA sample from an individual who refuses
25 to cooperate in the collection of the sample.

1 “(f) CRIMINAL PENALTY.—

2 “(1) IN GENERAL.—An individual from whom
3 the collection of a DNA sample is required under
4 subsection (d) who fails to cooperate in the collection
5 of that sample shall be—

6 “(A) guilty of a class A misdemeanor; and

7 “(B) punished in accordance with title 18,
8 United States Code.

9 “(2) MILITARY OFFENDERS.—An individual
10 from whom the collection of a DNA sample is re-
11 quired under subsection (e) who fails to cooperate in
12 the collection of that sample may be punished as a
13 court martial may direct as a violation of the Uni-
14 form Code of Military Justice.

15 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated—

17 “(1) to the Department of Justice to carry out
18 subsection (d) of this section (including to reimburse
19 the Federal judiciary for any reasonable costs in-
20 curred in implementing such subsection, as deter-
21 mined by the Attorney General) and section 1303(e)
22 of the New Millennium Law Enforcement Assistance
23 Act—

24 “(A) \$6,600,000 for fiscal year 2000; and

1 “(B) such sums as may be necessary for
2 each of fiscal years 2001 through 2004;

3 “(2) to the Court Services and Offender Super-
4 vision Agency for the District of Columbia or the
5 Trustee appointed under section 11232(a) of the
6 Balanced Budget Act of 1997 (as appropriate), such
7 sums as may be necessary for each of fiscal years
8 2000 through 2004; and

9 “(3) to the Department of Defense to carry out
10 subsection (e)—

11 “(A) \$600,000 for fiscal year 2000; and

12 “(B) \$300,000 for each of fiscal years
13 2001 through 2004.”.

14 (d) CONDITIONS OF RELEASE.—

15 (1) CONDITIONS OF PROBATION.—Section
16 3563(a) of title 18, United States Code, is
17 amended—

18 (A) in paragraph (7), by striking “and” at
19 the end;

20 (B) in paragraph (8), by striking the pe-
21 riod at the end and inserting “; and”; and

22 (C) by inserting after paragraph (8) the
23 following:

24 “(9) that the defendant cooperate in the collec-
25 tion of a DNA sample from the defendant if the col-

1 lection of such a sample is required pursuant to sec-
2 tion 210304 of the Violent Crime Control and Law
3 Enforcement Act of 1994 (42 U.S.C. 14132).”.

4 (2) CONDITIONS OF SUPERVISED RELEASE.—
5 Section 3583(d) of title 18, United States Code, is
6 amended by inserting before “The court shall also
7 order” the following: “The court shall order, as an
8 explicit condition of supervised release, that the de-
9 fendant cooperate in the collection of a DNA sample
10 from the defendant, if the collection of such a sam-
11 ple is required pursuant to section 210304 of the
12 Violent Crime Control and Law Enforcement Act of
13 1994 (42 U.S.C. 14132).”.

14 (3) CONDITIONS OF RELEASE GENERALLY.—If
15 the collection of a DNA sample from an individual
16 on probation, parole, or supervised release (including
17 an individual on parole pursuant to chapter 311 of
18 title 18, United States Code, as in effect on October
19 30, 1997) is required pursuant to section 210304 of
20 the Violent Crime Control and Law Enforcement
21 Act of 1994 (42 U.S.C. 14132), and the sample has
22 not otherwise been collected, the individual shall co-
23 operate in the collection of a DNA sample as a con-
24 dition of that probation, parole, or supervised re-
25 lease.

1 (e) REPORT AND EVALUATION.—Not later than 1
2 year after the date of enactment of this Act, the Attorney
3 General, acting through the Assistant Attorney General
4 for the Office of Justice Programs of the Department of
5 Justice and the Director of the Federal Bureau of Inves-
6 tigation, shall—

7 (1) conduct an evaluation to—

8 (A) identify criminal offenses, including of-
9 fenses other than qualifying offenses (as defined
10 in section 210304(d)(1) of the Violent Crime
11 Control and Law Enforcement Act of 1994 (42
12 U.S.C. 14132(d)(1)), as added by this section)
13 that, if serving as a basis for the mandatory
14 collection of a DNA sample under section
15 210304 of the Violent Crime Control and Law
16 Enforcement Act of 1994 (42 U.S.C. 14132) or
17 under State law, are likely to yield DNA
18 matches, and the relative degree of such likeli-
19 hood with respect to each such offense; and

20 (B) determine the number of investigations
21 aided (including the number of suspects
22 cleared), and the rates of prosecution and con-
23 viction of suspects identified through DNA
24 matching; and

1 (2) submit to Congress a report describing the
2 results of the evaluation under paragraph (1).

3 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) DRUG CONTROL AND SYSTEM IMPROVE-
5 MENT GRANTS.—Section 503(a)(12)(C) of title I of
6 the Omnibus Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by
8 striking “, at regular intervals of not to exceed 180
9 days,” and inserting “semiannual”.

10 (2) DNA IDENTIFICATION GRANTS.—Section
11 2403(3) of title I of the Omnibus Crime Control and
12 Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3))
13 is amended by striking “, at regular intervals not ex-
14 ceeding 180 days,” and inserting “semiannual”.

15 (3) FEDERAL BUREAU OF INVESTIGATION.—
16 Section 210305(a)(1)(A) of the Violent Crime Con-
17 trol and Law Enforcement Act of 1994 (42 U.S.C.
18 14133(a)(1)(A)) is amended by striking “, at reg-
19 ular intervals of not to exceed 180 days,” and insert-
20 ing “semiannual”.

1 **Subtitle D—Protection of State and**
 2 **Local Police and Corrections Of-**
 3 **ficers**

4 **CHAPTER 1—STATE CORRECTIONAL**
 5 **OFFICERS AND OTHER STATE OFFICIALS**

6 **SEC. 1401. KILLING PERSONS AIDING FEDERAL INVESTIGA-**
 7 **TIONS OR STATE CORRECTIONAL OFFICERS.**

8 Section 1121 of title 18, United States Code, is
 9 amended—

10 (1) in subsection (a)(1), in the matter pre-
 11 ceding subparagraph (A), by inserting “, State, or
 12 joint Federal-State” after “a Federal”; and

13 (2) in subsection (b)(3)—

14 (A) in subparagraph (A), by striking “or”
 15 at the end;

16 (B) in subparagraph (B), by striking the
 17 period at the end and inserting “; or”; and

18 (C) by adding at the end the following:

19 “(C) the incarcerated person is incarcer-
 20 ated pending an initial appearance, arraign-
 21 ment, trial, or appeal for an offense against the
 22 United States.”.

1 **CHAPTER 2—ACCESS TO BODY ARMOR;**
2 **DONATIONS OF BODY ARMOR**

3 **SEC. 1411. SHORT TITLE.**

4 This chapter may be cited as the “James Guelff Body
5 Armor Act of 1999”.

6 **SEC. 1412. FINDINGS.**

7 Congress finds that—

8 (1) nationally, police officers and ordinary citi-
9 zens are facing increased danger as criminals use
10 more deadly weaponry, body armor, and other so-
11 phisticated assault gear;

12 (2) recent incidents, such as the murder of San
13 Francisco Police Officer James Guelff by an assail-
14 ant wearing 2 layers of body armor and a 1997
15 bank shoot out in north Hollywood, California, be-
16 tween police and 2 heavily armed suspects outfitted
17 in body armor, demonstrate the serious threat to
18 community safety posed by criminals who wear body
19 armor during the commission of a violent crime;

20 (3) of the approximately 1,200 officers killed in
21 the line of duty since 1980, more than 30 percent
22 could have been saved by body armor, and the risk
23 of dying from gunfire is 14 times higher for an offi-
24 cer without a bulletproof vest;

1 (4) the Department of Justice has estimated
2 that 25 percent of State and local police are not
3 issued body armor; and

4 (5) the Federal Government is well-equipped to
5 grant local police departments access to body armor
6 that is no longer needed by Federal agencies.

7 **SEC. 1413. DEFINITIONS.**

8 In this chapter:

9 (1) **BODY ARMOR.**—The term “body armor”
10 means any product sold or offered for sale, in inter-
11 state or foreign commerce, as personal protective
12 body covering intended to protect against gunfire,
13 regardless of whether the product is to be worn
14 alone or is sold as a complement to another product
15 or garment.

16 (2) **LAW ENFORCEMENT AGENCY.**—The term
17 “law enforcement agency” means an agency of the
18 United States, a State, or a political subdivision of
19 a State, authorized by law or by a government agen-
20 cy to engage in or supervise the prevention, detec-
21 tion, investigation, or prosecution of any violation of
22 criminal law.

23 (3) **LAW ENFORCEMENT OFFICER.**—The term
24 “law enforcement officer” means any officer, agent,
25 or employee of the United States, a State, or a polit-

1 ical subdivision of a State, authorized by law or by
 2 a government agency to engage in or supervise the
 3 prevention, detection, investigation, or prosecution of
 4 any violation of criminal law.

5 **SEC. 1414. AMENDMENT OF SENTENCING GUIDELINES**
 6 **WITH RESPECT TO BODY ARMOR.**

7 (a) SENTENCING ENHANCEMENT.—The United
 8 States Sentencing Commission shall amend the Federal
 9 sentencing guidelines to provide an appropriate sentencing
 10 enhancement, increasing the offense level not less than 2
 11 levels, for any offense in which the defendant used body
 12 armor.

13 (b) APPLICABILITY.—No amendment made to the
 14 Federal Sentencing Guidelines pursuant to this section
 15 shall apply if the Federal offense in which the body armor
 16 is used constitutes a violation of, attempted violation of,
 17 or conspiracy to violate the civil rights of any person by
 18 a law enforcement officer acting under color of the author-
 19 ity of such law enforcement officer.

20 **SEC. 1415. DONATION OF FEDERAL SURPLUS BODY ARMOR**
 21 **TO STATE AND LOCAL LAW ENFORCEMENT**
 22 **AGENCIES.**

23 (a) DEFINITIONS.—In this section, the terms “Fed-
 24 eral agency” and “surplus property” have the meanings

1 given such terms under section 3 of the Federal Property
2 and Administrative Services Act of 1949 (40 U.S.C. 472).

3 (b) DONATION OF BODY ARMOR.—Notwithstanding
4 section 203 of the Federal Property and Administrative
5 Services Act of 1949 (40 U.S.C. 484), the head of a Fed-
6 eral agency may donate body armor directly to any State
7 or local law enforcement agency, if such body armor is—

8 (1) in serviceable condition; and

9 (2) surplus property.

10 (c) NOTICE TO ADMINISTRATOR.—The head of a
11 Federal agency who donates body armor under this section
12 shall submit to the Administrator of General Services a
13 written notice identifying the amount of body armor do-
14 nated and each State or local law enforcement agency that
15 received the body armor.

16 (d) DONATION BY CERTAIN OFFICERS.—

17 (1) DEPARTMENT OF JUSTICE.—In the admin-
18 istration of this section with respect to the Depart-
19 ment of Justice, in addition to any other officer of
20 the Department of Justice designated by the Attor-
21 ney General, the following officers may act as the
22 head of a Federal agency:

23 (A) The Administrator of the Drug En-
24 forcement Administration.

1 (B) The Director of the Federal Bureau of
2 Investigation.

3 (C) The Commissioner of the Immigration
4 and Naturalization Service.

5 (D) The Director of the United States
6 Marshals Service.

7 (2) DEPARTMENT OF THE TREASURY.—In the
8 administration of this section with respect to the De-
9 partment of the Treasury, in addition to any other
10 officer of the Department of the Treasury des-
11 ignated by the Secretary of the Treasury, the fol-
12 lowing officers may act as the head of a Federal
13 agency:

14 (A) The Director of the Bureau of Alcohol,
15 Tobacco, and Firearms.

16 (B) The Commissioner of Customs.

17 (C) The Director of the United States Se-
18 cret Service.

19 **CHAPTER 3—GRANT PROGRAMS FOR PUR-**
20 **CHASE OF BODY ARMOR AND VIDEO**
21 **CAMERAS**

22 **SEC. 1421. FINDINGS; PURPOSE.**

23 (a) FINDINGS.—Congress finds that—

24 (1) Officer Dale Claxton of the Cortez, Colo-
25 rado, Police Department was shot and killed by bul-

1 lets that passed through the windshield of his police
2 car after he stopped a stolen truck, and his life may
3 have been saved if his police car had been equipped
4 with bullet resistant equipment;

5 (2) the number of law enforcement officers who
6 are killed in the line of duty would significantly de-
7 crease if every law enforcement officer in the United
8 States had access to additional bullet resistant
9 equipment;

10 (3) according to studies, between 1985 and
11 1994, 709 law enforcement officers in the United
12 States were feloniously killed in the line of duty;

13 (4) the Federal Bureau of Investigation esti-
14 mates that the risk of fatality to law enforcement of-
15 ficers while not wearing bullet resistant equipment,
16 such as an armor vest, is 14 times higher than for
17 officers wearing an armor vest;

18 (5) according to studies, between 1985 and
19 1994, bullet-resistant materials helped save the lives
20 of more than 2,000 law enforcement officers in the
21 United States; and

22 (6) the Executive Committee for Indian Coun-
23 try Law Enforcement Improvements reports that
24 violent crime in Indian country has risen sharply de-
25 spite a decrease in the national crime rate, and has

1 concluded that there is a “public safety crisis in In-
 2 dian country”.

3 (b) PURPOSE.—The purpose of this chapter is to save
 4 lives of law enforcement officers by helping State, local,
 5 and tribal law enforcement agencies provide officers with
 6 bullet resistant equipment and video cameras.

7 **SEC. 1422. MATCHING GRANT PROGRAMS FOR LAW EN-**
 8 **FORCEMENT BULLET RESISTANT EQUIP-**
 9 **MENT AND FOR VIDEO CAMERAS.**

10 (a) IN GENERAL.—Part Y of title I of the Omnibus
 11 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 12 3796ll et seq.) is amended—

13 (1) by striking the part designation and part
 14 heading and inserting the following:

15 **“PART Y—MATCHING GRANT PROGRAMS**
 16 **FOR LAW ENFORCEMENT**
 17 **“Subpart A—Grant Program For Armor**
 18 **Vests”;**

19 (2) by striking “this part” each place it appears
 20 and inserting “this subpart”; and

21 (3) by adding at the end the following:

1 **“Subpart B—Grant Program For Bullet**
2 **Resistant Equipment**

3 **“SEC. 2511. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—The Director of the Bureau of
5 Justice Assistance is authorized to make grants to
6 States, units of local government, and Indian tribes to
7 purchase bullet resistant equipment for use by State,
8 local, and tribal law enforcement officers.

9 “(b) USES OF FUNDS.—Grants awarded under this
10 section shall be—

11 “(1) distributed directly to the State, unit of
12 local government, or Indian tribe; and

13 “(2) used for the purchase of bullet resistant
14 equipment for law enforcement officers in the juris-
15 diction of the grantee.

16 “(c) PREFERENTIAL CONSIDERATION.—In awarding
17 grants under this subpart, the Director of the Bureau of
18 Justice Assistance may give preferential consideration, if
19 feasible, to an application from a jurisdiction that—

20 “(1) has the greatest need for bullet resistant
21 equipment based on the percentage of law enforce-
22 ment officers in the department who do not have ac-
23 cess to a vest;

1 “(2) has a violent crime rate at or above the
2 national average as determined by the Federal Bu-
3 reau of Investigation; or

4 “(3) has not received a block grant under the
5 Local Law Enforcement Block Grant program de-
6 scribed under the heading ‘Violent Crime Reduction
7 Programs, State and Local Law Enforcement As-
8 sistance’ of the Departments of Commerce, Justice,
9 and State, the Judiciary, and Related Agencies Ap-
10 propriations Act, 1998 (Public Law 105–119).

11 “(d) MINIMUM AMOUNT.—Unless all eligible applica-
12 tions submitted by any State or unit of local government
13 within such State for a grant under this section have been
14 funded, such State, together with grantees within the
15 State (other than Indian tribes), shall be allocated in each
16 fiscal year under this section not less than 0.50 percent
17 of the total amount appropriated in the fiscal year for
18 grants pursuant to this section except that the United
19 States Virgin Islands, American Samoa, Guam, and the
20 Northern Mariana Islands shall each be allocated .25 per-
21 cent.

22 “(e) MAXIMUM AMOUNT.—A qualifying State, unit of
23 local government, or Indian tribe may not receive more
24 than 5 percent of the total amount appropriated in each
25 fiscal year for grants under this section, except that a

1 State, together with the grantees within the State may not
 2 receive more than 20 percent of the total amount appro-
 3 priated in each fiscal year for grants under this section.

4 “(f) MATCHING FUNDS.—The portion of the costs of
 5 a program provided by a grant under subsection (a) may
 6 not exceed 50 percent. Any funds appropriated by Con-
 7 gress for the activities of any agency of an Indian tribal
 8 government or the Bureau of Indian Affairs performing
 9 law enforcement functions on any Indian lands may be
 10 used to provide the non-Federal share of a matching re-
 11 quirement funded under this subsection.

12 “(g) ALLOCATION OF FUNDS.—At least half of the
 13 funds available under this subpart shall be awarded to
 14 units of local government with fewer than 100,000 resi-
 15 dents.

16 **“SEC. 2512. APPLICATIONS.**

17 “(a) IN GENERAL.—To request a grant under this
 18 subpart, the chief executive of a State, unit of local gov-
 19 ernment, or Indian tribe shall submit an application to
 20 the Director of the Bureau of Justice Assistance in such
 21 form and containing such information as the Director may
 22 reasonably require.

23 “(b) REGULATIONS.—Not later than 90 days after
 24 the date of the enactment of this subpart, the Director
 25 of the Bureau of Justice Assistance shall promulgate regu-

1 lations to implement this section (including the informa-
 2 tion that must be included and the requirements that the
 3 States, units of local government, and Indian tribes must
 4 meet) in submitting the applications required under this
 5 section.

6 “(c) ELIGIBILITY.—A unit of local government that
 7 receives funding under the Local Law Enforcement Block
 8 Grant program (described under the heading ‘Violent
 9 Crime Reduction Programs, State and Local Law En-
 10 forcement Assistance’ of the Departments of Commerce,
 11 Justice, and State, the Judiciary, and Related Agencies
 12 Appropriations Act, 1998 (Public Law 104–119)) during
 13 a fiscal year in which it submits an application under this
 14 subpart shall not be eligible for a grant under this subpart
 15 unless the chief executive officer of such unit of local gov-
 16 ernment certifies and provides an explanation to the Di-
 17 rector that the unit of local government considered or will
 18 consider using funding received under the block grant pro-
 19 gram for any or all of the costs relating to the purchase
 20 of bullet resistant equipment, but did not, or does not ex-
 21 pect to use such funds for such purpose.

22 **“SEC. 2513. DEFINITIONS.**

23 “In this subpart—

24 “(1) the term ‘equipment’ means windshield
 25 glass, car panels, shields, and protective gear;

1 “(2) the term ‘State’ means each of the 50
 2 States, the District of Columbia, the Commonwealth
 3 of Puerto Rico, the United States Virgin Islands,
 4 American Samoa, Guam, and the Northern Mariana
 5 Islands;

6 “(3) the term ‘unit of local government’ means
 7 a county, municipality, town, township, village, par-
 8 ish, borough, or other unit of general government
 9 below the State level;

10 (4) the term ‘Indian tribe’ has the same mean-
 11 ing as in section 4(e) of the Indian Self-Determina-
 12 tion and Education Assistance Act (25 U.S.C.
 13 450b(e)); and

14 “(5) the term ‘law enforcement officer’ means
 15 any officer, agent, or employee of a State, unit of
 16 local government, or Indian tribe authorized by law
 17 or by a government agency to engage in or supervise
 18 the prevention, detection, or investigation of any vio-
 19 lation of criminal law, or authorized by law to super-
 20 vise sentenced criminal offenders.

21 **“Subpart C—Grant Program For Video**

22 **Cameras**

23 **“SEC. 2521. PROGRAM AUTHORIZED.**

24 “(a) IN GENERAL.—The Director of the Bureau of
 25 Justice Assistance is authorized to make grants to States,

1 units of local government, and Indian tribes to purchase
2 video cameras for use by State, local, and tribal law en-
3 forcement agencies in law enforcement vehicles.

4 “(b) USES OF FUNDS.—Grants awarded under this
5 section shall be—

6 “(1) distributed directly to the State, unit of
7 local government, or Indian tribe; and

8 “(2) used for the purchase of video cameras for
9 law enforcement vehicles in the jurisdiction of the
10 grantee.

11 “(c) PREFERENTIAL CONSIDERATION.—In awarding
12 grants under this subpart, the Director of the Bureau of
13 Justice Assistance may give preferential consideration, if
14 feasible, to an application from a jurisdiction that—

15 “(1) has the greatest need for video cameras,
16 based on the percentage of law enforcement officers
17 in the department do not have access to a law en-
18 forcement vehicle equipped with a video camera;

19 “(2) has a violent crime rate at or above the
20 national average as determined by the Federal Bu-
21 reau of Investigation; or

22 “(3) has not received a block grant under the
23 Local Law Enforcement Block Grant program de-
24 scribed under the heading ‘Violent Crime Reduction
25 Programs, State and Local Law Enforcement As-

1 sistance’ of the Departments of Commerce, Justice,
2 and State, the Judiciary, and Related Agencies Ap-
3 propriations Act, 1998 (Public Law 105–119).

4 “(d) MINIMUM AMOUNT.—Unless all eligible applica-
5 tions submitted by any State or unit of local government
6 within such State for a grant under this section have been
7 funded, such State, together with grantees within the
8 State (other than Indian tribes), shall be allocated in each
9 fiscal year under this section not less than 0.50 percent
10 of the total amount appropriated in the fiscal year for
11 grants pursuant to this section, except that the United
12 States Virgin Islands, American Samoa, Guam, and the
13 Northern Mariana Islands shall each be allocated 0.25
14 percent.

15 “(e) MAXIMUM AMOUNT.—A qualifying State, unit of
16 local government, or Indian tribe may not receive more
17 than 5 percent of the total amount appropriated in each
18 fiscal year for grants under this section, except that a
19 State, together with the grantees within the State may not
20 receive more than 20 percent of the total amount appro-
21 priated in each fiscal year for grants under this section.

22 “(f) MATCHING FUNDS.—The portion of the costs of
23 a program provided by a grant under subsection (a) may
24 not exceed 50 percent. Any funds appropriated by Con-
25 gress for the activities of any agency of an Indian tribal

1 government or the Bureau of Indian Affairs performing
 2 law enforcement functions on any Indian lands may be
 3 used to provide the non-Federal share of a matching re-
 4 quirement funded under this subsection.

5 “(g) ALLOCATION OF FUNDS.—At least half of the
 6 funds available under this subpart shall be awarded to
 7 units of local government with fewer than 100,000 resi-
 8 dents.

9 **“SEC. 2522. APPLICATIONS.**

10 “(a) IN GENERAL.—To request a grant under this
 11 subpart, the chief executive of a State, unit of local gov-
 12 ernment, or Indian tribe shall submit an application to
 13 the Director of the Bureau of Justice Assistance in such
 14 form and containing such information as the Director may
 15 reasonably require.

16 “(b) REGULATIONS.—Not later than 90 days after
 17 the date of the enactment of this subpart, the Director
 18 of the Bureau of Justice Assistance shall promulgate regu-
 19 lations to implement this section (including the informa-
 20 tion that must be included and the requirements that the
 21 States, units of local government, and Indian tribes must
 22 meet) in submitting the applications required under this
 23 section.

24 “(c) ELIGIBILITY.—A unit of local government that
 25 receives funding under the Local Law Enforcement Block

1 Grant program (described under the heading ‘Violent
 2 Crime Reduction Programs, State and Local Law En-
 3 forcement Assistance’ of the Departments of Commerce,
 4 Justice, and State, the Judiciary, and Related Agencies
 5 Appropriations Act, 1998 (Public Law 105–119)) during
 6 a fiscal year in which it submits an application under this
 7 subpart shall not be eligible for a grant under this subpart
 8 unless the chief executive officer of such unit of local gov-
 9 ernment certifies and provides an explanation to the Di-
 10 rector that the unit of local government considered or will
 11 consider using funding received under the block grant pro-
 12 gram for any or all of the costs relating to the purchase
 13 of video cameras, but did not, or does not expect to use
 14 such funds for such purpose.

15 **“SEC. 2523. DEFINITIONS.**

16 “In this subpart—

17 “(1) the term ‘Indian tribe’ has the same mean-
 18 ing as in section 4(e) of the Indian Self-Determina-
 19 tion and Education Assistance Act (25 U.S.C.
 20 450b(e));

21 “(2) the term ‘law enforcement officer’ means
 22 any officer, agent, or employee of a State, unit of
 23 local government, or Indian tribe authorized by law
 24 or by a government agency to engage in or supervise
 25 the prevention, detection, or investigation of any vio-

1 lation of criminal law, or authorized by law to super-
2 vise sentenced criminal offenders;

3 “(3) the term ‘State’ means each of the 50
4 States, the District of Columbia, the Commonwealth
5 of Puerto Rico, the United States Virgin Islands,
6 American Samoa, Guam, and the Northern Mariana
7 Islands; and

8 “(4) the term ‘unit of local government’ means
9 a county, municipality, town, township, village, par-
10 ish, borough, or other unit of general government
11 below the State level.”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
13 1001(a) of the Omnibus Crime Control and Safe Streets
14 Act of 1968 (42 U.S.C. 3793(a)) is amended by striking
15 paragraph (23) and inserting the following:

16 “(23) There are authorized to be appropriated to
17 carry out part Y—

18 “(A) \$25,000,000 for each of fiscal years 2000
19 through 2002 for grants under subpart A of that
20 part;

21 “(B) \$40,000,000 for each of fiscal years 2000
22 through 2002 for grants under subpart B of that
23 part; and

1 “(C) \$25,000,000 for each of fiscal years 2000
2 through 2002 for grants under subpart C of that
3 part.”.

4 (c) CLERICAL AMENDMENTS.—The table of contents
5 of title I of the Omnibus Crime Control and Safe Streets
6 Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

7 (1) by striking the item relating to the part
8 heading of part Y and inserting the following:

 “PART Y—MATCHING GRANTS PROGRAMS FOR LAW ENFORCEMENT

 “SUBPART A—GRANT PROGRAM FOR ARMOR VESTS”; AND

9 (2) by adding at the end of the matter relating
10 to part Y the following:

 “SUBPART B—GRANT PROGRAM FOR BULLET RESISTANT EQUIPMENT

 “2511. Program authorized.

 “2512. Applications.

 “2513. Definitions.

 “SUBPART C—GRANT PROGRAM FOR VIDEO CAMERAS

 “2521. Program authorized.

 “2522. Applications.

 “2523. Definitions.”.

11 **SEC. 1423. SENSE OF CONGRESS.**

12 In the case of any equipment or products that may
13 be authorized to be purchased with financial assistance
14 provided using funds appropriated or otherwise made
15 available under subpart B or C of part Y of title I of the
16 Omnibus Crime Control and Safe Streets Act of 1968, as
17 added by this chapter, it is the sense of the Congress that
18 entities receiving the assistance should, in expending the

1 assistance, purchase only American-made equipment and
2 products.

3 **SEC. 1424. TECHNOLOGY DEVELOPMENT.**

4 Section 202 of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (42 U.S.C. 3722) is amended by add-
6 ing at the end the following:

7 “(e) BULLET RESISTANT TECHNOLOGY DEVELOP-
8 MENT.—

9 “(1) IN GENERAL.—The Institute is authorized
10 to—

11 “(A) conduct research and otherwise work
12 to develop new bullet resistant technologies (i.e.,
13 acrylic, polymers, aluminized material, and
14 transparent ceramics) for use in police equip-
15 ment (including windshield glass, car panels,
16 shields, and protective gear);

17 “(B) inventory bullet resistant technologies
18 used in the private sector, in surplus military
19 property, and by foreign countries;

20 “(C) promulgate relevant standards for,
21 and conduct technical and operational testing
22 and evaluation of, bullet resistant technology
23 and equipment, and otherwise facilitate the use
24 of that technology in police equipment.

1 “(2) PRIORITY.—In carrying out this sub-
 2 section, the Institute shall give priority in testing
 3 and engineering surveys to law enforcement partner-
 4 ships developed in coordination with High Intensity
 5 Drug Trafficking Areas.

6 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 7 There is authorized to be appropriated to carry out
 8 this subsection \$3,000,000 for fiscal years 2000
 9 through 2002.”.

10 **SEC. 1425. MATCHING GRANT PROGRAM FOR LAW EN-**
 11 **FORCEMENT ARMOR VESTS.**

12 Section 2501(f) of the Omnibus Crime Control and
 13 Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is
 14 amended—

15 (1) by striking “The portion” and inserting the
 16 following:

17 “(1) IN GENERAL.—Subject to paragraph (2),
 18 the portion”; and

19 (2) by adding at the end the following:

20 “(2) WAIVER.—The Director may waive, in
 21 whole or in part, the requirement of paragraph (1)
 22 in the case of fiscal hardship, as determined by the
 23 Director.”.

CHAPTER 4—MISCELLANEOUS**SEC. 1431. INCLUSION OF RAILROAD POLICE OFFICERS IN
FBI LAW ENFORCEMENT TRAINING.**

(a) IN GENERAL.—Subsection (a) of section 701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended—

(1) in paragraph (1)—

(A) by striking “State or unit of local government” and inserting “State, unit of local government, or rail carrier”; and

(B) by inserting “, including railroad police officers” before the semicolon; and

(2) in paragraph (3)—

(A) by striking “State or unit of local government” inserting “State, unit of local government, or rail carrier”;

(B) by inserting “railroad police officers,” after “deputies,”;

(C) by striking “State or such unit” and inserting “State, unit of local government, or rail carrier”; and

(D) by striking “State or unit” and inserting “State, unit of local government, or rail carrier”.

1 (b) RAIL CARRIER COSTS.—That section is further
 2 amended by adding at the end the following:

3 “(d) RAIL CARRIER COSTS.—No Federal funds may
 4 be used for any travel, transportation, or subsistence ex-
 5 penses incurred in connection with the participation of a
 6 railroad police officer in a training program conducted
 7 under subsection (a).”.

8 (c) DEFINITIONS.—That section, as amended by sub-
 9 section (b) of this section, if further amended by adding
 10 at the end the following:

11 “(e) DEFINITIONS.—In this section—

12 “(1) the terms ‘rail carrier’ and ‘railroad’ have
 13 the meanings given such terms in section 20102 of
 14 title 49, United States Code; and

15 “(2) the term ‘railroad police officer’ means a
 16 peace officer who is commissioned in his or her
 17 State of legal residence or State or primary employ-
 18 ment and employed by a rail carrier to enforce State
 19 laws for the protection of railroad property, per-
 20 sonnel, passengers, or cargo.”.

1 **TITLE II—COMBATTING DRUGS**
 2 **AND CRIME**
 3 **Subtitle A—New Millennium Drug**
 4 **Free Act**

5 **SEC. 2001. SHORT TITLE.**

6 This subtitle may be cited as the “New Millennium
 7 Drug Free Act”.

8 **CHAPTER 1—INTERNATIONAL SUPPLY**
 9 **REDUCTION**

10 **Subchapter A—International Crime**

11 **PART I—INTERNATIONAL CRIME CONTROL**

12 **SEC. 2011. SHORT TITLE.**

13 This part may be cited as the “International Crime
 14 Control Act of 1999”.

15 **SEC. 2012. FELONY PUNISHMENT FOR VIOLENCE COM-**
 16 **MITTED ALONG THE UNITED STATES BOR-**
 17 **DER.**

18 (a) IN GENERAL.—Chapter 27 of title 18, United
 19 States Code, is amended by adding at the end the fol-
 20 lowing:

1 **“§ 554. Violence while eluding inspection or during**
 2 **violation of arrival, reporting, entry, or**
 3 **clearance requirements**

4 “(a) IN GENERAL.—Whoever attempts to commit or
 5 commits a crime of violence or recklessly operates any con-
 6 veyance during and in relation to—

7 “(1)(A) attempting to elude or eluding immi-
 8 gration, customs, or agriculture inspection; or

9 “(B) failing to stop at the command of an offi-
 10 cer or employee of the United States charged with
 11 enforcing the immigration, customs, or other laws of
 12 the United States along any border of the United
 13 States; or

14 “(2) an intentional violation of arrival, report-
 15 ing, entry, or clearance requirements, as set forth in
 16 section 107 of the Federal Plant Pest Act (7 U.S.C.
 17 150ff), section 10 of the Act of August 20, 1912
 18 (commonly known as the ‘Plant Quarantine Act’ (7
 19 U.S.C. 164a)), section 7 of the Federal Noxious
 20 Weed Act of 1974 (7 U.S.C. 2807), section 431,
 21 433, 434, or 459 of the Tariff Act of 1930 (19
 22 U.S.C. 1431, 1433, 1434, and 1459), section 10 of
 23 the Act of August 30, 1890 (26 Stat. 417; chapter
 24 839 (21 U.S.C. 105)), section 2 of the Act of Feb-
 25 ruary 2, 1903 (32 Stat. 792; chapter 349; 21 U.S.C.
 26 111), section 4197 of the Revised Statutes (46

1 U.S.C. App. 91), or sections 231, 232, and 234
 2 through 238 of the Immigration and Nationality Act
 3 (8 U.S.C. 1221, 1222, and 1224 through 1228)
 4 shall be—

5 “(A) fined under this title, imprisoned not
 6 more than 5 years, or both;

7 “(B) if bodily injury (as defined in section
 8 1365(g)) results, fined under this title, impris-
 9 oned not more than 10 years, or both; or

10 “(C) if death results, fined under this title,
 11 imprisoned for any term of years or for life, or
 12 both, and may be sentenced to death.

13 “(b) CONSPIRACY.—If 2 or more persons conspire to
 14 commit an offense under subsection (a), and 1 or more
 15 of those persons do any act to effect the object of the con-
 16 spiracy, each shall be punishable as a principal, except
 17 that a sentence of death may not be imposed.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
 19 ter 27 of title 18, United States Code, is amended by add-
 20 ing at the end the following:

“554. Violence while eluding inspection or during violation of arrival, reporting,
 entry, or clearance requirements.”.

21 (c) RECKLESS ENDANGERMENT.—Section 111 of
 22 title 18, United States Code, is amended—

23 (1) by redesignating subsection (b) as sub-
 24 section (c); and

1 (2) by inserting after subsection (a) the fol-
 2 lowing:

3 “(b) RECKLESS ENDANGERMENT.—Whoever—

4 “(1) knowingly disregards or disobeys the law-
 5 ful authority or command of any officer or employee
 6 of the United States charged with enforcing the im-
 7 migration, customs, or other laws of the United
 8 States along any border of the United States while
 9 engaged in, or on account of, the performance of of-
 10 ficial duties of that officer or employee; and

11 “(2) as a result of disregarding or disobeying
 12 an authority or command referred to in paragraph
 13 (1), endangers the safety of any person or property,
 14 shall be fined under this title, imprisoned not more than
 15 6 months, or both.”.

16 **PART II—STRENGTHENING MARITIME LAW EN-**
 17 **FORCEMENT ALONG UNITED STATES BOR-**
 18 **DERS**

19 **SEC. 2021. SANCTIONS FOR FAILURE TO HEAVE TO, OB-**
 20 **STRUCTING A LAWFUL BOARDING, AND PRO-**
 21 **VIDING FALSE INFORMATION.**

22 (a) IN GENERAL.—Chapter 109 of title 18, United
 23 States Code, is amended by adding at the end the fol-
 24 lowing:

1 **“§ 2237. Sanctions for failure to heave to; sanctions**
 2 **for obstruction of boarding or providing**
 3 **false information**

4 “(a) DEFINITIONS.—In this section:

5 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—

6 The term ‘Federal law enforcement officer’ has the
 7 meaning given that term in section 115(c).

8 “(2) HEAVE TO.—The term ‘heave to’ means,
 9 with respect to a vessel, to cause that vessel to slow
 10 or come to a stop to facilitate a law enforcement
 11 boarding by adjusting the course and speed of the
 12 vessel to account for the weather conditions and the
 13 sea state.

14 “(3) VESSEL OF THE UNITED STATES; VESSEL
 15 SUBJECT TO THE JURISDICTION OF THE UNITED
 16 STATES.—The terms ‘vessel of the United States’
 17 and ‘vessel subject to the jurisdiction of the United
 18 States’ have the meanings given those terms in sec-
 19 tion 3 of the Maritime Drug Law Enforcement Act
 20 (46 U.S.C. App. 1903).

21 “(b) FAILURE TO OBEY AN ORDER TO HEAVE TO.—

22 “(1) IN GENERAL.—It shall be unlawful for the
 23 master, operator, or person in charge of a vessel of
 24 the United States or a vessel subject to the jurisdic-
 25 tion of the United States, to fail to obey an order

1 to heave to that vessel on being ordered to do so by
2 an authorized Federal law enforcement officer.

3 “(2) IMPEDING BOARDING; PROVIDING FALSE
4 INFORMATION IN CONNECTION WITH A BOARDING.—
5 It shall be unlawful for any person on board a vessel
6 of the United States or a vessel subject to the juris-
7 diction of the United States knowingly or willfully
8 to—

9 “(A) fail to comply with an order of an au-
10 thorized Federal law enforcement officer in con-
11 nection with the boarding of the vessel;

12 “(B) impede or obstruct a boarding or ar-
13 rest, or other law enforcement action authorized
14 by any Federal law; or

15 “(C) provide false information to a Federal
16 law enforcement officer during a boarding of a
17 vessel regarding the destination, origin, owner-
18 ship, registration, nationality, cargo, or crew of
19 the vessel.

20 “(c) STATUTORY CONSTRUCTION.—Nothing in this
21 section may be construed to limit the authority granted
22 before the date of enactment of this section—

23 “(1) a customs officer under section 581 of the
24 Tariff Act of 1930 (19 U.S.C. 1581) or any other

1 provision of law enforced or administered by the
2 United States Customs Service; or

3 “(2) any Federal law enforcement officer under
4 any Federal law to order a vessel to heave to.

5 “(d) CONSENT OR WAIVER OF OBJECTION BY A FOR-
6 EIGN COUNTRY.—

7 “(1) IN GENERAL.—A foreign country may con-
8 sent to or waive objection to the enforcement of
9 United States law by the United States under this
10 section by international agreement or, on a case-by-
11 case basis, by radio, telephone, or similar oral or
12 electronic means.

13 “(2) PROOF OF CONSENT OR WAIVER.—The
14 Secretary of State or a designee of the Secretary
15 may prove a consent or waiver described in para-
16 graph (1) by certification.

17 “(e) PENALTIES.—Any person who intentionally vio-
18 lates any provision of this section shall be fined under this
19 title, imprisoned not more than 5 years, or both.

20 “(f) SEIZURE OF VESSELS.—

21 “(1) IN GENERAL.—A vessel that is used in vio-
22 lation of this section may be seized and forfeited.

23 “(2) APPLICABILITY OF LAWS.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (C), the laws described in subparagraph

1 (B) shall apply to seizures and forfeitures un-
 2 dertaken, or alleged to have been undertaken,
 3 under any provision of this section.

4 “(B) LAWS DESCRIBED.—The laws de-
 5 scribed in this subparagraph are the laws relat-
 6 ing to the seizure, summary, judicial forfeiture,
 7 and condemnation of property for violation of
 8 the customs laws, the disposition of the prop-
 9 erty or the proceeds from the sale thereof, the
 10 remission or mitigation of the forfeitures, and
 11 the compromise of claims.

12 “(C) EXECUTION OF DUTIES BY OFFICERS
 13 AND AGENTS.—Any duty that is imposed upon
 14 a customs officer or any other person with re-
 15 spect to the seizure and forfeiture of property
 16 under the customs laws shall be performed with
 17 respect to a seizure or forfeiture of property
 18 under this section by the officer or other person
 19 that is authorized or designated for that pur-
 20 pose.

21 “(3) IN REM LIABILITY.—A vessel that is used
 22 in violation of this section shall, in addition to any
 23 other liability prescribed under this subsection, be
 24 liable in rem for any fine or civil penalty imposed
 25 under this section.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 109 of title 18, United States Code, is amended by
 3 adding at the end the following:

“2237. Sanctions for failure to heave to; sanctions for obstruction of boarding
 or providing false information.”.

4 **SEC. 2022. CIVIL PENALTIES TO SUPPORT MARITIME LAW**
 5 **ENFORCEMENT.**

6 (a) IN GENERAL.—Chapter 17 of title 14, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing:

9 **“§ 675. Civil penalty for failure to comply with a law-**
 10 **ful boarding, obstruction of boarding, or**
 11 **providing false information**

12 “(a) IN GENERAL.—Any person who violates section
 13 2237(b) of title 18 shall be liable for a civil penalty of
 14 not more than \$25,000.

15 “(b) IN REM LIABILITY.—In addition to being sub-
 16 ject to the liability under subsection (a), a vessel used to
 17 violate an order relating to the boarding of a vessel issued
 18 under the authority of section 2237 of title 18 shall be
 19 liable in rem and may be seized, forfeited, and sold in ac-
 20 cordance with section 594 of the Tariff Act of 1930 (19
 21 U.S.C. 1594).”.

22 (b) CLERICAL AMENDMENT.—The table of contents
 23 at the beginning of chapter 17 of title 14, United States
 24 Code, is amended by adding at the end the following:

“675. Civil penalty for failure to comply with a lawful boarding, obstruction of boarding, or providing false information.”.

1 **SEC. 2023. CUSTOMS ORDERS.**

2 Section 581 of the Tariff Act of 1930 (19 U.S.C.
3 1581) is amended by adding at the end the following:

4 “(i) In this section, the term ‘authorized place’ in-
5 cludes, with respect to a vessel or vehicle, a location in
6 a foreign country at which United States customs officers
7 are permitted to conduct inspections, examinations, or
8 searches.”.

9 **PART III—SMUGGLING OF CONTRABAND AND**
10 **OTHER ILLEGAL PRODUCTS**
11 **SEC. 2031. SMUGGLING CONTRABAND AND OTHER GOODS**
12 **FROM THE UNITED STATES.**

13 (a) IN GENERAL.—

14 (1) SMUGGLING GOODS FROM UNITED
15 STATES.—Chapter 27 of title 18, United States
16 Code, as amended by section 2012(a) of this Act, is
17 amended by adding at the end the following:

18 **“§ 555. Smuggling goods from the United States**

19 “(a) UNITED STATES DEFINED.—In this section, the
20 term ‘United States’ has the meaning given that term in
21 section 545.

22 “(b) PENALTIES.—Whoever—

23 “(1) fraudulently or knowingly exports or sends
24 from the United States, or attempts to export or

1 send from the United States, any merchandise, arti-
 2 cle, or object contrary to any law of the United
 3 States (including any regulation of the United
 4 States); or

5 “(2) receives, conceals, buys, sells, or in any
 6 manner facilitates the transportation, concealment,
 7 or sale of that merchandise, article, or object, prior
 8 to exportation, knowing that merchandise, article, or
 9 object to be intended for exportation contrary to any
 10 law of the United States;

11 shall be fined under this title, imprisoned not more than
 12 5 years, or both.”.

13 (2) CLERICAL AMENDMENT.—The analysis for
 14 chapter 27 of title 18, United States Code, is
 15 amended by adding at the end the following:

“555. Smuggling goods from the United States.”.

16 (b) LAUNDERING OF MONETARY INSTRUMENTS.—
 17 Section 1956(c)(7)(D) of title 18, United States Code, is
 18 amended by inserting “section 555 (relating to smuggling
 19 goods from the United States),” before “section 641 (re-
 20 lating to public money, property, or records),”.

21 (c) MERCHANDISE EXPORTED FROM UNITED
 22 STATES.—Section 596 of the Tariff Act of 1930 (19
 23 U.S.C. 1595a) is amended by adding at the end the fol-
 24 lowing:

1 “(d) MERCHANDISE EXPORTED FROM THE UNITED
 2 STATES.—Merchandise exported or sent from the United
 3 States or attempted to be exported or sent from the
 4 United States contrary to law, or the value thereof, and
 5 property used to facilitate the receipt, purchase, transpor-
 6 tation, concealment, or sale of that merchandise prior to
 7 exportation shall be forfeited to the United States.”.

8 **SEC. 2032. CUSTOMS DUTIES.**

9 (a) IN GENERAL.—Section 542 of title 18, United
 10 States Code, is amended—

11 (1) in the section heading, by adding “, **theft,**
 12 **embezzlement, or misapplication of du-**
 13 **ties**” at the end;

14 (2) by redesignating the fourth and fifth undes-
 15 igned paragraphs as subsections (b) and (c), re-
 16 spectively;

17 (3) in the third undesignated paragraph—

18 (A) by striking “Shall be fined” and in-
 19 serting the following:

20 “shall be fined”; and

21 (B) by striking “two years” and inserting
 22 “5 years”;

23 (4) in the second undesignated paragraph—

24 (A) by striking “Whoever is guilty” and in-
 25 serting the following:

1 “(2) is guilty”; and

2 (B) by striking “act or omission—” and
3 inserting “act or omission; or”;

4 (5) in the first undesignated paragraph, by
5 striking “Whoever enters or” and inserting the fol-
6 lowing:

7 “(a) Whoever—

8 “(1) enters or”; and

9 (6) in subsection (a) (as designated by para-
10 graph (5) of this subsection), by inserting after
11 paragraph (2) (as designated by paragraph (4) of
12 this subsection) the following:

13 “(3) embezzles, steals, abstracts, purloins, will-
14 fully misapplies, willfully permits to be misapplied,
15 or wrongfully converts to his own use, or to the use
16 of another, moneys, funds, credits, assets, securities,
17 or other property entrusted to his or her custody or
18 care, or to the custody or care of another for the
19 purpose of paying any lawful duties;”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 27 of title 18, United States Code, is amended by
22 striking the item relating to section 542 and inserting the
23 following:

“542. Entry of goods by means of false statements, theft, embezzlement, or
misapplication of duties.”.

1 **SEC. 2033. FALSE CERTIFICATIONS RELATING TO EXPORTS.**

2 (a) IN GENERAL.—Chapter 27 of title 18, United
3 States Code, as amended by section 2021(a) of this Act,
4 is amended by adding at the end the following:

5 **“§ 556. False certifications relating to exports**

6 “Whoever knowingly transmits in interstate or for-
7 eign commerce any false or fraudulent certificate of origin,
8 invoice, declaration, affidavit, letter, paper, or statement
9 (whether written or otherwise), that represents explicitly
10 or implicitly that goods, wares, or merchandise to be ex-
11 ported qualify for purposes of any international trade
12 agreement to which the United States is a signatory shall
13 be fined under this title, imprisoned not more than 5
14 years, or both.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 27 of title 18, United States Code, is amended by add-
17 ing at the end the following:

“556. False certifications relating to exports.”.

18 **PART IV—DENYING SAFE HAVENS TO**
19 **INTERNATIONAL CRIMINALS**

20 **SEC. 2041. EXTRADITION FOR OFFENSES NOT COVERED BY**
21 **A LIST TREATY.**

22 Chapter 209 of title 18, United States Code, is
23 amended by adding at the end the following:

1 **“§ 3197. Extradition for offenses not covered by a list**
 2 **treaty**

3 “(a) SERIOUS OFFENSE DEFINED.—In this section,
 4 the term ‘serious offense’ means conduct that would be—

5 “(1) an offense described in any multilateral
 6 treaty to which the United States is a party that ob-
 7 ligates parties—

8 “(A) to extradite alleged offenders found
 9 in the territory of the parties; or

10 “(B) submit the case to the competent au-
 11 thorities of the parties for prosecution; or

12 “(2) conduct that, if that conduct occurred in
 13 the United States, would constitute—

14 “(A) a crime of violence (as defined in sec-
 15 tion 16);

16 “(B) the distribution, manufacture, impor-
 17 tation, or exportation of a controlled substance
 18 (as defined in section 201 of the Controlled
 19 Substances Act (21 U.S.C. 802));

20 “(C) bribery of a public official or mis-
 21 appropriation, embezzlement, or theft of public
 22 funds by or for the benefit of a public official;

23 “(D) obstruction of justice, including pay-
 24 ment of bribes to jurors or witnesses;

25 “(E) the laundering of monetary instru-
 26 ments, as described in section 1956, if the value

1 of the monetary instruments involved exceeds
2 \$100,000;

3 “(F) fraud, theft, embezzlement, or com-
4 mercial bribery if the aggregate value of prop-
5 erty that is the object of all of the offenses re-
6 lated to the conduct exceeds \$100,000;

7 “(G) counterfeiting, if the obligations, se-
8 curities, or other items counterfeited have an
9 apparent value that exceeds \$100,000;

10 “(H) a conspiracy or attempt to commit
11 any of the offenses described in any of subpara-
12 graphs (A) through (G), or aiding and abetting
13 a person who commits any such offense; or

14 “(I) a crime against children under chap-
15 ter 109A or section 2251, 2251A, 2252, or
16 2252A.

17 “(b) AUTHORIZATION OF FILING.—

18 “(1) IN GENERAL.—If a foreign government
19 makes a request for the extradition of a person who
20 is charged with or has been convicted of an offense
21 within the jurisdiction of that foreign government,
22 and an extradition treaty between the United States
23 and the foreign government is in force, but the trea-
24 ty does not provide for extradition for the offense
25 with which the person has been charged or for which

1 the person has been convicted, the Attorney General
 2 may authorize the filing of a complaint for extra-
 3 dition pursuant to subsections (c) and (d).

4 “(2) FILING OF COMPLAINTS.—

5 “(A) IN GENERAL.—A complaint author-
 6 ized under paragraph (1) shall be filed pursu-
 7 ant to section 3184.

8 “(B) PROCEDURES.—With respect to a
 9 complaint filed under paragraph (1), the proce-
 10 dures contained in sections 3184 and 3186 and
 11 the terms of the relevant extradition treaty
 12 shall apply as if the offense were a crime pro-
 13 vided for by the treaty, in a manner consistent
 14 with section 3184.

15 “(c) CRITERIA FOR AUTHORIZATION OF COM-
 16 PLAINTS.—

17 “(1) IN GENERAL.—The Attorney General may
 18 authorize the filing of a complaint under subsection
 19 (b) only upon a certification—

20 “(A) by the Attorney General, that in the
 21 judgment of the Attorney General—

22 “(i) the offense for which extradition
 23 is sought is a serious offense; and

24 “(ii) submission of the extradition re-
 25 quest would be important to the law en-

1 forcement interests of the United States or
2 otherwise in the interests of justice; and

3 “(B) by the Secretary of State, that in the
4 judgment of the Secretary of State, submission
5 of the request would be consistent with the for-
6 eign policy interests of the United States.

7 “(2) FACTORS FOR CONSIDERATION.—In mak-
8 ing any certification under paragraph (1)(B), the
9 Secretary of State may consider whether the facts
10 and circumstances of the request then known appear
11 likely to present any significant impediment to the
12 ultimate surrender of the person who is the subject
13 of the request for extradition, if that person is found
14 to be extraditable.

15 “(d) CASES OF URGENCY.—

16 “(1) IN GENERAL.—In any case of urgency, the
17 Attorney General may, with the concurrence of the
18 Secretary of State and before any formal certifi-
19 cation under subsection (c), authorize the filing of a
20 complaint seeking the provisional arrest and deten-
21 tion of the person sought for extradition before the
22 receipt of documents or other proof in support of the
23 request for extradition.

24 “(2) APPLICABILITY OF RELEVANT TREATY.—

25 With respect to a case described in paragraph (1),

1 a provision regarding provisional arrest in the rel-
 2 evant treaty shall apply.

3 “(3) FILING AND EFFECT OF FILING OF COM-
 4 PLAINTS.—

5 “(A) IN GENERAL.—A complaint author-
 6 ized under this subsection shall be filed in the
 7 same manner as provided in section 3184.

8 “(B) ISSUANCE OF ORDERS.—Upon the fil-
 9 ing of a complaint under this subsection, the
 10 appropriate judicial officer may issue an order
 11 for the provisional arrest and detention of the
 12 person as provided in section 3184.

13 “(e) CONDITIONS OF SURRENDER; ASSURANCES.—

14 “(1) IN GENERAL.—Before issuing a warrant of
 15 surrender under section 3184 or 3186, the Secretary
 16 of State may—

17 “(A) impose conditions upon the surrender
 18 of the person that is the subject of the warrant;
 19 and

20 “(B) require those assurances of compli-
 21 ance with those conditions as are determined by
 22 the Secretary to be appropriate.

23 “(2) ADDITIONAL ASSURANCES.—

24 “(A) IN GENERAL.—In addition to impos-
 25 ing conditions and requiring assurances under

paragraph (1), the Secretary of State shall demand, as a condition of the extradition of the person in every case, an assurance described in subparagraph (B) that the Secretary determines to be satisfactory.

“(B) DESCRIPTION OF ASSURANCES.—An assurance described in this subparagraph is an assurance that the person that is sought for extradition shall not be tried or punished for an offense other than that for which the person has been extradited, absent the consent of the United States.”.

SEC. 2042. EXTRADITION ABSENT A TREATY.

Chapter 209 of title 18, United States Code, as amended by section 2041 of this Act, is amended by adding at the end the following:

“§ 3198. Extradition absent a treaty

“(a) SERIOUS OFFENSE DEFINED.—In this section, the term ‘serious offense’ has the meaning given that term in section 3197(a).

“(b) AUTHORIZATION OF FILING.—

“(1) IN GENERAL.—If a foreign government makes a request for the extradition of a person who is charged with or has been convicted of an offense within the jurisdiction of that foreign government,

1 and no extradition treaty is in force between the
 2 United States and the foreign government, the At-
 3 torney General may authorize the filing of a com-
 4 plaint for extradition pursuant to subsections (c)
 5 and (d).

6 “(2) FILING AND TREATMENT OF COM-
 7 PLAINTS.—

8 “(A) IN GENERAL.—A complaint author-
 9 ized under paragraph (1) shall be filed pursu-
 10 ant to section 3184.

11 “(B) PROCEDURES.—With respect to a
 12 complaint filed under paragraph (1), procedures
 13 of sections 3184 and 3186 shall be followed as
 14 if the offense were a ‘crime provided for by
 15 such treaty’ as described in section 3184.

16 “(c) CRITERIA FOR AUTHORIZATION OF COM-
 17 PLAINTS.—The Attorney General may authorize the filing
 18 of a complaint described in subsection (b) only upon a
 19 certification—

20 “(1) by the Attorney General, that in the judg-
 21 ment of the Attorney General—

22 “(A) the offense for which extradition is
 23 sought is a serious offense; and

24 “(B) submission of the extradition request
 25 would be important to the law enforcement in-

1 terests of the United States or otherwise in the
2 interests of justice; and

3 “(2) by the Secretary of State, that in the judg-
4 ment of the certifying official, based on information
5 then known—

6 “(A) submission of the request would be
7 consistent with the foreign policy interests of
8 the United States;

9 “(B) the facts and circumstances of the re-
10 quest, including humanitarian considerations,
11 do not appear likely to present a significant im-
12 pediment to the ultimate surrender of the per-
13 son if found extraditable; and

14 “(C) the foreign government submitting
15 the request is not submitting the request in
16 order to try or punish the person sought for ex-
17 tradition primarily on the basis of the race, reli-
18 gion, nationality, or political opinions of that
19 person.

20 “(d) LIMITATIONS ON DELEGATION.—

21 “(1) DELEGATION BY ATTORNEY GENERAL.—

22 The authorities and responsibilities of the Attorney
23 General under subsection (c) may be delegated only
24 to the Deputy Attorney General.

1 “(2) DELEGATION.—The authorities and re-
 2 sponsibilities of the Secretary of State set forth in
 3 this subsection may be delegated only to the Deputy
 4 Secretary of State.

5 “(e) CASES OF URGENCY.—

6 “(1) IN GENERAL.—In any case of urgency, the
 7 Attorney General may, with the concurrence of the
 8 Secretary of State and before any formal certifi-
 9 cation under subsection (c), authorize the filing of a
 10 complaint seeking the provisional arrest and deten-
 11 tion of the person sought for extradition before the
 12 receipt of documents or other proof in support of the
 13 request for extradition.

14 “(2) FILING OF COMPLAINTS; ORDER BY JUDI-
 15 CIAL OFFICER.—

16 “(A) FILING.—A complaint filed under
 17 this subsection shall be filed in the same man-
 18 ner as provided in section 3184.

19 “(B) ORDERS.—Upon the filing of a com-
 20 plaint under subparagraph (A), the appropriate
 21 judicial officer may issue an order for the provi-
 22 sional arrest and detention of the person.

23 “(C) RELEASES.—If, not later than 45
 24 days after the arrest, the formal request for ex-
 25 tradition and documents in support of that are

1 not received by the Department of State, the
 2 appropriate judicial officer may order that a
 3 person detained pursuant to this subsection be
 4 released from custody.

5 “(f) HEARINGS.—

6 “(1) IN GENERAL.—Subject to subsection (h),
 7 upon the filing of a complaint for extradition and re-
 8 ceipt of documents or other proof in support of the
 9 request of a foreign government for extradition, the
 10 appropriate judicial officer shall hold a hearing to
 11 determine whether the person sought for extradition
 12 is extraditable.

13 “(2) CRITERIA FOR EXTRADITION.—Subject to
 14 subsection (g) in a hearing conducted under para-
 15 graph (1), the judicial officer shall find a person ex-
 16 traditable if the officer finds—

17 “(A) probable cause to believe that the
 18 person before the judicial officer is the person
 19 sought in the foreign country of the requesting
 20 foreign government;

21 “(B) probable cause to believe that the
 22 person before the judicial officer committed the
 23 offense for which that person is sought, or was
 24 duly convicted of that offense in the foreign
 25 country of the requesting foreign government;

1 “(C) that the conduct upon which the re-
 2 quest for extradition is based, if that conduct
 3 occurred within the United States, would be a
 4 serious offense punishable by imprisonment for
 5 more than 10 years under the laws of—

6 “(i) the United States;

7 “(ii) the majority of the States in the
 8 United States; or

9 “(iii) of the State in which the fugi-
 10 tive is found; and

11 “(D) no defense to extradition under sub-
 12 section (g) has been established.

13 “(g) LIMITATION OF EXTRADITION.—

14 “(1) IN GENERAL.—A judicial officer shall not
 15 find a person extraditable under this section if the
 16 person has established that the offense for which ex-
 17 tradition is sought is—

18 “(A) an offense for which the person is
 19 being proceeded against, or has been tried or
 20 punished, in the United States; or

21 “(B) a political offense.

22 “(2) POLITICAL OFFENSES.—For purposes of
 23 this section, a political offense does not include—

24 “(A) a murder or other violent crime
 25 against the person of a head of state of a for-

1 eign state, or of a member of the family of the
2 head of state;

3 “(B) an offense for which both the United
4 States and the requesting foreign government
5 have the obligation pursuant to a multilateral
6 international agreement to—

7 “(i) extradite the person sought; or

8 “(ii) submit the case to the competent
9 authorities for decision as to prosecution;
10 or

11 “(C) a conspiracy or attempt to commit
12 any of the offenses referred to in subparagraph
13 (A) or (B), or aiding or abetting a person who
14 commits or attempts to commit any such of-
15 fenses.

16 “(h) LIMITATIONS ON FACTORS FOR CONSIDERATION
17 AT HEARINGS.—

18 “(1) IN GENERAL.—At a hearing conducted
19 under subsection (a), the judicial officer conducting
20 the hearing shall not consider issues regarding—

21 “(A) humanitarian concerns;

22 “(B) the nature of the judicial system of
23 the requesting foreign government; and

24 “(C) whether the foreign government is
25 seeking extradition of a person for the purpose

1 of prosecuting or punishing the person because
2 of the race, religion, nationality or political
3 opinions of that person.

4 “(2) CONSIDERATION BY SECRETARY OF
5 STATE.—The issues referred to in paragraph (1)
6 shall be reserved for consideration exclusively by the
7 Secretary of State as described in subsection (c)(2).

8 “(3) ADDITIONAL CONSIDERATION.—Notwith-
9 standing the certification requirements described in
10 subsection (c)(2), the Secretary of State may, within
11 the sole discretion of the Secretary—

12 “(A) in addition to considering the issues
13 referred to in paragraph (1) for purposes of
14 certifying the filing of a complaint under this
15 section, consider those issues again in exer-
16 cising authority to surrender the person sought
17 for extradition in carrying out the procedures
18 under section 3184 and 3186; and

19 “(B) impose conditions on surrender in-
20 cluding those provided in subsection (i).

21 “(i) CONDITIONS OF SURRENDER; ASSURANCES.—

22 “(1) IN GENERAL.—The Secretary of State
23 may—

1 “(A) impose conditions upon the surrender
2 of a person sought for extradition under this
3 section; and

4 “(B) require such assurances of compli-
5 ance with those conditions as the Secretary de-
6 termines to be appropriate.

7 “(2) ADDITIONAL ASSURANCES.—In addition to
8 imposing conditions and requiring assurances under
9 paragraph (1), the Secretary shall demand, as a con-
10 dition of the extradition of the person that is sought
11 for extradition—

12 “(A) in every case, an assurance the Sec-
13 retary determines to be satisfactory that the
14 person shall not be tried or punished for an of-
15 fense other than the offense for which the per-
16 son has been extradited, absent the consent of
17 the United States; and

18 “(B) in a case in which the offense for
19 which extradition is sought is punishable by
20 death in the foreign country of the requesting
21 foreign government and is not so punishable
22 under the applicable laws in the United States,
23 an assurance the Secretary determines to be
24 satisfactory that the death penalty—

25 “(i) shall not be imposed; or

1 “(ii) if imposed, shall not be carried
2 out.”.

3 **SEC. 2043. TECHNICAL AND CONFORMING AMENDMENTS.**

4 (a) IN GENERAL.—Chapter 209 of title 18, United
5 States Code, is amended—

6 (1) in section 3181, by inserting “, other than
7 sections 3197 and 3198,” after “The provisions of
8 this chapter” each place that term appears; and

9 (2) in section 3186, by striking “or 3185” and
10 inserting “, 3185, 3197, or 3198”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 209 of title 18, United States Code, is amended by
13 adding at the end the following:

“3197. Extradition for offenses not covered by a list treaty.
“3198. Extradition absent a treaty.”.

14 **SEC. 2044. TEMPORARY TRANSFER OF PERSONS IN CUS-**
15 **TODY FOR PROSECUTION.**

16 (a) IN GENERAL.—Chapter 306 of title 18, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 4116. Temporary transfer for prosecution**

20 “(a) STATE DEFINED.—In this section, the term
21 ‘State’ includes a State of the United States, the District
22 of Columbia, and a commonwealth, territory, or possession
23 of the United States.

1 “(b) AUTHORITY OF ATTORNEY GENERAL WITH RE-
2 SPECT TO TEMPORARY TRANSFERS.—

3 “(1) IN GENERAL.—Subject to subsection (d),
4 if a person is in pretrial detention or is otherwise
5 being held in custody in a foreign country based
6 upon a violation of the law in that foreign country,
7 and that person is found extraditable to the United
8 States by the competent authorities of that foreign
9 country while still in the pretrial detention or cus-
10 tody, the Attorney General shall have the
11 authority—

12 “(A) to request the temporary transfer of
13 that person to the United States in order to
14 face prosecution in a Federal or State criminal
15 proceeding;

16 “(B) to maintain the custody of that per-
17 son while the person is in the United States;
18 and

19 “(C) to return that person to the foreign
20 country at the conclusion of the criminal pros-
21 ecution, including any imposition of sentence.

22 “(2) REQUIREMENTS FOR REQUESTS BY AT-
23 TORNEY GENERAL.—The Attorney General shall
24 make a request under paragraph (1) only if the At-
25 torney General determines, after consultation with

1 the Secretary of State, that the return of that per-
 2 son to the foreign country in question would be con-
 3 sistent with international obligations of the United
 4 States.

5 “(c) AUTHORITY OF ATTORNEY GENERAL WITH RE-
 6 SPECT TO PRETRIAL DETENTIONS.—

7 “(1) IN GENERAL.—

8 “(A) AUTHORITY OF ATTORNEY GEN-
 9 ERAL.—Subject to paragraph (2) and sub-
 10 section (d), the Attorney General shall have the
 11 authority to carry out the actions described in
 12 subparagraph (B), if—

13 “(i) a person is in pretrial detention
 14 or is otherwise being held in custody in the
 15 United States based upon a violation of
 16 Federal or State law, and that person is
 17 found extraditable to a foreign country
 18 while still in the pretrial detention or cus-
 19 tody pursuant to section 3184, 3197, or
 20 3198; and

21 “(ii) a determination is made by the
 22 Secretary of State and the Attorney Gen-
 23 eral that the person will be surrendered.

1 “(B) ACTIONS.—If the conditions de-
2 scribed in subparagraph (A) are met, the Attor-
3 ney General shall have the authority to—

4 “(i) temporarily transfer the person
5 described in subparagraph (A) to the for-
6 eign country of the foreign government re-
7 questing the extradition of that person in
8 order to face prosecution;

9 “(ii) transport that person from the
10 United States in custody; and

11 “(iii) return that person in custody to
12 the United States from the foreign coun-
13 try.

14 “(2) CONSENT BY STATE AUTHORITIES.—If the
15 person is being held in custody for a violation of
16 State law, the Attorney General may exercise the au-
17 thority described in paragraph (1) if the appropriate
18 State authorities give their consent to the Attorney
19 General.

20 “(3) CRITERION FOR REQUEST.—The Attorney
21 General shall make a request under paragraph (1)
22 only if the Attorney General determines, after con-
23 sultation with the Secretary of State, that the return
24 of the person sought for extradition to the foreign
25 country of the foreign government requesting the ex-

1 tradition would be consistent with United States
2 international obligations.

3 “(4) EFFECT OF TEMPORARY TRANSFER.—

4 With regard to any person in pretrial detention—

5 “(A) a temporary transfer under this sub-
6 section shall result in an interruption in the
7 pretrial detention status of that person; and

8 “(B) the right to challenge the conditions
9 of confinement pursuant to section 3142(f) does
10 not extend to the right to challenge the condi-
11 tions of confinement in a foreign country while
12 in that foreign country temporarily under this
13 subsection.

14 “(d) CONSENT BY PARTIES TO WAIVE PRIOR FIND-
15 ING OF WHETHER A PERSON IS EXTRADITABLE.—The
16 Attorney General may exercise the authority described in
17 subsections (b) and (c) absent a prior finding that the per-
18 son in custody is extraditable, if the person, any appro-
19 priate State authorities in a case under subsection (c), and
20 the requesting foreign government give their consent to
21 waive that requirement.

22 “(e) RETURN OF PERSONS.—

23 “(1) IN GENERAL.—If the temporary transfer
24 to or from the United States of a person in custody
25 for the purpose of prosecution is provided for by this

1 section, that person shall be returned to the United
 2 States or to the foreign country from which the per-
 3 son is transferred on completion of the proceedings
 4 upon which the transfer was based.

5 “(2) STATUTORY INTERPRETATION WITH RE-
 6 SPECT TO IMMIGRATION LAWS.—In no event shall
 7 the return of a person under paragraph (1) require
 8 extradition proceedings or proceedings under the im-
 9 migration laws.

10 “(3) CERTAIN RIGHTS AND REMEDIES
 11 BARRED.—Notwithstanding any other provision of
 12 law, a person temporarily transferred to the United
 13 States pursuant to this section shall not be entitled
 14 to apply for or obtain any right or remedy under the
 15 Immigration and Nationality Act (8 U.S.C. 1101 et
 16 seq.), including the right to apply for or be granted
 17 asylum or withholding of deportation.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
 19 ter 306 of title 18, United States Code, is amended by
 20 adding at the end the following:

“4116. Temporary transfer for prosecution.”.

21 **SEC. 2045. PROHIBITING FUGITIVES FROM BENEFITING**
 22 **FROM FUGITIVE STATUS.**

23 (a) IN GENERAL.—Chapter 163 of title 28, United
 24 States Code, is amended by adding at the end the fol-
 25 lowing:

1 **“§ 2466. Fugitive disentitlement**

2 “A person may not use the resources of the courts
3 of the United States in furtherance of a claim in any re-
4 lated civil forfeiture action or a claim in third party pro-
5 ceedings in any related criminal forfeiture action if that
6 person—

7 “(1) purposely leaves the jurisdiction of the
8 United States;

9 “(2) declines to enter or reenter the United
10 States to submit to its jurisdiction; or

11 “(3) otherwise evades the jurisdiction of the
12 court in which a criminal case is pending against the
13 person.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 163 of title 28, United States Code, is amended by
16 adding at the end the following:

“2466. Fugitive disentitlement.”.

17 **SEC. 2046. TRANSFER OF FOREIGN PRISONERS TO SERVE**
18 **SENTENCES IN COUNTRY OF ORIGIN.**

19 Section 4100(b) of title 18, United States Code, is
20 amended in the third sentence by striking “An offender”
21 and inserting “Unless otherwise provided by treaty, an of-
22 fender”.

1 **SEC. 2047. TRANSIT OF FUGITIVES FOR PROSECUTION IN**
2 **FOREIGN COUNTRIES.**

3 (a) IN GENERAL.—Chapter 305 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 4087. Transit through the United States of persons**
7 **wanted in a foreign country**

8 “(a) IN GENERAL.—The Attorney General may, in
9 consultation with the Secretary of State, permit the tem-
10 porary transit through the United States of a person
11 wanted for prosecution or imposition of sentence in a for-
12 eign country.

13 “(b) LIMITATION ON JUDICIAL REVIEW.—A deter-
14 mination by the Attorney General to permit or not to per-
15 mit a temporary transit described in subsection (a) shall
16 not be subject to judicial review.

17 “(c) CUSTODY.—If the Attorney General permits a
18 temporary transit under subsection (a), Federal law en-
19 forcement personnel may hold the person subject to that
20 transit in custody during the transit of the person through
21 the United States.

22 “(d) CONDITIONS APPLICABLE TO PERSONS SUB-
23 JECT TO TEMPORARY TRANSIT.—Notwithstanding any
24 other provision of law, a person who is subject to a tem-
25 porary transit through the United States under this sec-
26 tion shall—

1 “(1) be required to have only such documents
2 as the Attorney General shall require;

3 “(2) not be considered to be admitted or pa-
4 roled into the United States; and

5 “(3) not be entitled to apply for or obtain any
6 right or remedy under the Immigration and Nation-
7 ality Act (8 U.S.C. 1101 et seq.), including the right
8 to apply for or be granted asylum or withholding of
9 deportation.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 305 of title 18, United States Code, is amended by
12 adding at the end the following:

“4087. Transit through the United States of persons wanted in a foreign coun-
try.”.

13 **PART V—SEIZING AND FORFEITING ASSETS OF**
14 **INTERNATIONAL CRIMINALS**

15 **SEC. 2051. CRIMINAL PENALTIES FOR VIOLATIONS OF ANTI-**
16 **MONEY LAUNDERING ORDERS.**

17 (a) REPORTING VIOLATIONS.—Section 5324(a) of
18 title 31, United States Code, is amended—

19 (1) in the matter preceding paragraph (1), by
20 inserting “, or the reporting requirements imposed
21 by an order issued pursuant to section 5326” after
22 “any such section”;

1 (2) in paragraph (1), by inserting “, or a report
2 required under any order issued pursuant to section
3 5326” before the semicolon; and

4 (3) in paragraph (2), by inserting “, or a report
5 required under any order issued pursuant to section
6 5326,” after “any such section”.

7 (b) PENALTIES.—Sections 5321(a)(1), 5322(a), and
8 5322(b) of title 31, United States Code, are each amended
9 by inserting “or order issued” after “or a regulation pre-
10 scribed” each place it appears.

11 **SEC. 2052. CRACKING DOWN ON ILLEGAL MONEY TRANS-**
12 **MITTING BUSINESSES.**

13 Section 1960 of title 18, United States Code, is
14 amended by adding at the end the following:

15 “(c) For the purposes of proving a violation of this
16 section involving an illegal money transmitting business—

17 “(1) it shall be sufficient for the government to
18 prove that the defendant knew that the money trans-
19 mitting business lacked a license required by State
20 law; and

21 “(2) it shall not be necessary to show that the
22 defendant knew that the operation of such a busi-
23 ness without the required license was an offense
24 punishable as a felony or misdemeanor under State
25 law.”.

1 **SEC. 2053. EXPANSION OF CIVIL MONEY LAUNDERING LAWS**
2 **TO REACH FOREIGN PERSONS.**

3 Section 1956(b) of title 18, United States Code, is
4 amended—

5 (1) by redesignating paragraphs (1) and (2) as
6 subparagraphs (A) and (B), respectively;

7 (2) by inserting “(1)” after “(b)”; and

8 (3) by adding at the end the following:

9 “(2) For purposes of adjudicating an action filed or
10 enforcing a penalty ordered under this section, the district
11 courts shall have jurisdiction over any foreign person, in-
12 cluding any financial institution registered in a foreign
13 country, that commits an offense under subsection (a) in-
14 volving a financial transaction that occurs in whole or in
15 part in the United States, if service of process upon the
16 foreign person is made in accordance with the Federal
17 Rules of Civil Procedure or the law of the foreign country
18 in which the foreign person is found.

19 “(3) The court may issue a pretrial restraining order
20 or take any other action necessary to ensure that any bank
21 account or other property held by the defendant in the
22 United States is available to satisfy a judgment under this
23 section.”.

1 **SEC. 2054. PUNISHMENT OF MONEY LAUNDERING**
2 **THROUGH FOREIGN BANKS.**

3 Section 1956(c)(6) of title 18, United States Code,
4 is amended to read as follows:

5 “(6) the term ‘financial institution’ includes any
6 financial institution described in section 5312(a)(2)
7 of title 31, or the regulations promulgated there-
8 under, as well as any foreign bank (as defined in
9 section 1(b)(7) of the International Banking Act of
10 1978 (12 U.S.C. 3101(7));”.

11 **SEC. 2055. AUTHORITY TO ORDER CONVICTED CRIMINALS**
12 **TO RETURN PROPERTY LOCATED ABROAD.**

13 (a) ORDER OF FORFEITURE.—Subsection (p) of sec-
14 tion 413 of the Controlled Substances Act (21 U.S.C. 853)
15 is amended by adding at the end the following: “In the
16 case of property described in paragraph (3), the court
17 may, in addition, order the defendant to return the prop-
18 erty to the jurisdiction of the court so that the property
19 may be seized and forfeited.”.

20 (b) PRETRIAL RESTRAINING ORDER.—Subsection (e)
21 of that section is amended by adding at the end the fol-
22 lowing:

23 “(4)(A) Pursuant to its authority to enter a pretrial
24 restraining order under this section, including its author-
25 ity to restrain any property forfeitable as substitute assets,
26 the court may also order the defendant to repatriate any

1 property subject to forfeiture pending trial, and to deposit
 2 that property in the registry of the court, or with the
 3 United States Marshals Service or the Secretary of the
 4 Treasury, in an interest-bearing account.

5 “(B) Failure to comply with an order under this sub-
 6 section, or an order to repatriate property under sub-
 7 section (p), shall be punishable as a civil or criminal con-
 8 tempt of court, and may also result in an enhancement
 9 of the sentence for the offense giving rise to the forfeiture
 10 under the obstruction of justice provision of section 3C1.1
 11 of the Federal Sentencing Guidelines.”.

12 **SEC. 2056. EXEMPTING FINANCIAL ENFORCEMENT DATA**
 13 **FROM UNNECESSARY DISCLOSURE.**

14 (a) IEEPA.—Section 203(a) of the International
 15 Emergency Economic Powers Act (50 U.S.C. 1702(a)) is
 16 amended—

17 (1) by redesignating paragraph (3) as para-
 18 graph (4); and

19 (2) by inserting after paragraph (2) the fol-
 20 lowing:

21 “(3) Information obtained under this title, whether
 22 obtained before or after the date of the enactment of this
 23 paragraph, may be withheld only to the extent permitted
 24 by statute, except that information submitted, obtained,
 25 or considered in connection with any transaction prohib-

1 ited under this title, including license applications, licenses
2 or other authorizations, information or evidence obtained
3 in the course of any investigation, and information ob-
4 tained or furnished under this title in connection with
5 international agreements, treaties, or obligations shall be
6 withheld from public disclosure, and shall not be subject
7 to disclosure under section 552 of title 5, United States
8 Code, unless the release of the information is determined
9 by the President to be in the national interest.”.

10 (b) TRADING WITH THE ENEMY ACT.—Section 5(b)
11 of the Trading with the enemy Act (50 U.S.C. App. 5(b))
12 is amended—

13 (1) by redesignating paragraphs (2), (3), and
14 (4) as paragraphs (3), (4), and (5), respectively; and
15 (2) by inserting after paragraph (1) the fol-
16 lowing:

17 “(2) Information obtained under this Act, whether
18 obtained before or after the date of the enactment of this
19 paragraph, may be withheld only to the extent permitted
20 by statute, except that information submitted, obtained,
21 or considered in connection with any transaction prohib-
22 ited under this Act, including license applications, licenses
23 or other authorizations, information or evidence obtained
24 in the course of any investigation, and information ob-
25 tained or furnished under this title in connection with

1 international agreements, treaties, or obligations shall be
2 withheld from public disclosure, and shall not be subject
3 to disclosure under section 552 of title 5, United States
4 Code, unless the release of the information is determined
5 by the President to be in the national interest.”.

6 **SEC. 2057. CRIMINAL AND CIVIL PENALTIES UNDER THE**
7 **INTERNATIONAL EMERGENCY ECONOMIC**
8 **POWERS ACT.**

9 (a) INCREASED CIVIL PENALTY.—Subsection (a) of
10 section 206 of the International Emergency Economic
11 Powers Act (50 U.S.C. 1705) is amended by striking
12 “\$10,000” and inserting “\$50,000”.

13 (b) INCREASED CRIMINAL FINE.—Subsection (b) of
14 that section is amended to read as follows:

15 “(b) Whoever willfully violates any license, order, or
16 regulation issued under this title shall be fined not more
17 than \$1,000,000 if an organization (as defined in section
18 18 of title 18, United States Code), and not more than
19 \$250,000, imprisoned not more than 10 years, or both,
20 if an individual.”.

21 **SEC. 2058. ATTEMPTED VIOLATIONS OF THE TRADING WITH**
22 **THE ENEMY ACT.**

23 Section 16 of the Trading with the enemy Act (50
24 U.S.C. App. 16) is amended—

1 (1) in subsection (a), by inserting “or attempt
2 to violate” after “violate” each time it appears; and

3 (2) in subsection (b)(1), by inserting “or at-
4 tempts to violate” after “violates”.

5 **SEC. 2059. JURISDICTION OVER CERTAIN FINANCIAL**
6 **CRIMES COMMITTED ABROAD.**

7 Section 1029 of title 18, United States Code, is
8 amended by adding at the end the following:

9 “(h) Any person who, outside the jurisdiction of the
10 United States, engages in any act that, if committed with-
11 in the jurisdiction of the United States, would constitute
12 an offense under subsection (a) or (b), shall be subject
13 to the same penalties as if that offense had been com-
14 mitted in the United States, if the act—

15 “(1) involves an access device issued, owned,
16 managed, or controlled by a financial institution, ac-
17 count issuer, credit card system member, or other
18 entity within the jurisdiction of the United States;
19 and

20 “(2) causes, or if completed would have caused,
21 a transfer of funds from or a loss to an entity listed
22 in paragraph (1).”.

1 **PART VI—PROMOTING GLOBAL COOPERATION IN**
 2 **THE FIGHT AGAINST INTERNATIONAL CRIME**
 3 **SEC. 2071. STREAMLINED PROCEDURES FOR EXECUTION**
 4 **OF MLAT REQUESTS.**

5 (a) IN GENERAL.—Chapter 117 of title 28, United
 6 States Code, is amended by adding at the end the fol-
 7 lowing:

8 **“§ 1785. Assistance to foreign authorities**

9 “(a) IN GENERAL.—

10 “(1) PRESENTATION OF REQUESTS.—The At-
 11 torney General may present a request made by a
 12 foreign government for assistance with respect to a
 13 foreign investigation, prosecution, or proceeding re-
 14 garding a criminal matter pursuant to a treaty, con-
 15 vention, or executive agreement for mutual legal as-
 16 sistance between the United States and that govern-
 17 ment or in accordance with section 1782, the execu-
 18 tion of which requires or appears to require the use
 19 of compulsory measures in more than 1 judicial dis-
 20 trict, to a judge or judge magistrate of—

21 “(A) any 1 of the districts in which per-
 22 sons who may be required to appear to testify
 23 or produce evidence or information reside or are
 24 found, or in which evidence or information to be
 25 produced is located; or

1 “(B) the United States District Court for
2 the District of Columbia.

3 “(2) AUTHORITY OF COURT.—A judge or judge
4 magistrate to whom a request for assistance is pre-
5 sented under paragraph (1) shall have the authority
6 to issue those orders necessary to execute the re-
7 quest including orders appointing a person to direct
8 the taking of testimony or statements and the pro-
9 duction of evidence or information, of whatever na-
10 ture and in whatever form, in execution of the re-
11 quest.

12 “(b) AUTHORITY OF APPOINTED PERSONS.—A per-
13 son appointed under subsection (a)(2) shall have the au-
14 thority to—

15 “(1) issue orders for the taking of testimony or
16 statements and the production of evidence or infor-
17 mation, which orders may be served at any place
18 within the United States;

19 “(2) administer any necessary oath; and

20 “(3) take testimony or statements and receive
21 evidence and information.

22 “(c) PERSONS ORDERED TO APPEAR.—A person or-
23 dered pursuant to subsection (b)(1) to appear outside the
24 district in which that person resides or is found may, not
25 later than 10 days after receipt of the order—

1 “(1) file with the judge or judge magistrate who
 2 authorized execution of the request a motion to ap-
 3 pear in the district in which that person resides or
 4 is found or in which the evidence or information is
 5 located; or

6 “(2) provide written notice, requesting appear-
 7 ance in the district in which the person resides or
 8 is found or in which the evidence or information is
 9 located, to the person issuing the order to appear,
 10 who shall advise the judge or judge magistrate au-
 11 thorizing execution.

12 “(d) TRANSFER OF REQUESTS.—

13 “(1) IN GENERAL.—The judge or judge mag-
 14 istrate may transfer a request under subsection (c),
 15 or that portion requiring the appearance of that per-
 16 son, to the other district if—

17 “(A) the inconvenience to the person is
 18 substantial; and

19 “(B) the transfer is unlikely to adversely
 20 affect the effective or timely execution of the re-
 21 quest or a portion thereof.

22 “(2) EXECUTION.—Upon transfer, the judge or
 23 judge magistrate to whom the request or a portion
 24 thereof is transferred shall complete its execution in
 25 accordance with subsections (a) and (b).”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 117 of title 28, United States Code, is amended by
 3 adding at the end the following:

“1785. Assistance to foreign authorities.”.

4 **SEC. 2072. TEMPORARY TRANSFER OF INCARCERATED WIT-**
 5 **NESSES.**

6 (a) IN GENERAL.—Section 3508 of title 18, United
 7 States Code, is amended—

8 (1) by striking the section heading and insert-
 9 ing the following:

10 **“§ 3508. Temporary transfer of witnesses in custody”;**

11 (2) in subsection (a), by inserting “IN GEN-
 12 ERAL.—” after “(a)”; and

13 (3) by striking subsections (b) and (c) and in-
 14 serting the following:

15 “(b) TRANSFER AUTHORITY.—

16 “(1) IN GENERAL.—If the testimony of a per-
 17 son who is serving a sentence, in pretrial detention,
 18 or otherwise being held in custody in the United
 19 States, is needed in a foreign criminal proceeding,
 20 the Attorney General shall have the authority to—

21 “(A) temporarily transfer that person to
 22 the foreign country for the purpose of giving
 23 the testimony;

24 “(B) transport that person from the
 25 United States in custody;

1 “(C) make appropriate arrangements for
2 custody for that person while outside the
3 United States; and

4 “(D) return that person in custody to the
5 United States from the foreign country.

6 “(2) PERSONS HELD FOR STATE LAW VIOLA-
7 TIONS.—If the person is being held in custody for a
8 violation of State law, the Attorney General may ex-
9 ercise the authority described in this subsection if
10 the appropriate State authorities give their consent.

11 “(c) RETURN OF PERSONS TRANSFERRED.—

12 “(1) IN GENERAL.—If the transfer to or from
13 the United States of a person in custody for the pur-
14 pose of giving testimony is provided for by treaty or
15 convention, by this section, or both, that person shall
16 be returned to the United States, or to the foreign
17 country from which the person is transferred.

18 “(2) LIMITATION.—In no event shall the return
19 of a person under this subsection require any re-
20 quest for extradition or extradition proceedings, or
21 require that person to be subject to deportation or
22 exclusion proceedings under the laws of the United
23 States, or the foreign country from which the person
24 is transferred.

1 “(d) APPLICABILITY OF INTERNATIONAL AGREE-
2 MENTS.—If there is an international agreement between
3 the United States and the foreign country in which a wit-
4 ness is being held in custody or to which the witness will
5 be transferred from the United States, that provides for
6 the transfer, custody, and return of those witnesses, the
7 terms and conditions of that international agreement shall
8 apply. If there is no such international agreement, the At-
9 torney General may exercise the authority described in
10 subsections (a) and (b) if both the foreign country and
11 the witness give their consent.

12 “(e) RIGHTS OF PERSONS TRANSFERRED.—

13 “(1) Notwithstanding any other provision of
14 law, a person held in custody in a foreign country
15 who is transferred to the United States pursuant to
16 this section for the purpose of giving testimony—

17 “(A) shall not by reason of that transfer,
18 during the period that person is present in the
19 United States pursuant to that transfer, be en-
20 titled to apply for or obtain any right or remedy
21 under the Immigration and Nationality Act, in-
22 cluding the right to apply for or be granted asy-
23 lum or withholding of deportation or any right
24 to remain in the United States under any other
25 law; and

1 “(B) may be summarily removed from the
2 United States upon order of the Attorney Gen-
3 eral.

4 “(2) RULE OF CONSTRUCTION.—Nothing in
5 this subsection may be construed to create any sub-
6 stantive or procedural right or benefit to remain in
7 the United States that is legally enforceable in a
8 court of law of the United States or of a State by
9 any party against the United States or its agencies
10 or officers.

11 “(f) CONSISTENCY WITH INTERNATIONAL OBLIGA-
12 TIONS.—The Attorney General shall not take any action
13 under this section to transfer or return a person to a for-
14 eign country unless the Attorney General determines, after
15 consultation with the Secretary of State, that transfer or
16 return would be consistent with the international obliga-
17 tions of the United States. A determination by the Attor-
18 ney General under this subsection shall not be subject to
19 judicial review by any court.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 223 of title 18, United States Code, is amended by
22 striking the item relating to section 3508 and inserting
23 the following:

“3508. Temporary transfer of witnesses in custody.”.

1 **SEC. 2073. TRAINING OF FOREIGN LAW ENFORCEMENT**
2 **AGENCIES.**

3 Section 660(b) of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2420(b)) is amended—

5 (1) in paragraph (4), by striking “or” at the
6 end;

7 (2) in paragraph (6), by striking the period at
8 the end and inserting “; or”; and

9 (3) by adding at the end the following:

10 “(7) with respect to assistance, including train-
11 ing, provided for antiterrorism purposes.”.

12 **SEC. 2074. DISCRETIONARY AUTHORITY TO USE FOR-**
13 **FEITURE PROCEEDS.**

14 Section 524(c)(1) of title 28, United States Code, is
15 amended by—

16 (1) by striking “and” at the end of subpara-
17 graph (H);

18 (2) redesignating subparagraph (I) beginning
19 with “after all” as subparagraph (J);

20 (3) in subparagraph (J) as so redesignated, by
21 striking the period and inserting “; and”; and

22 (4) adding at the end the following:

23 “(K) at the discretion of the Attorney Gen-
24 eral, payments to return forfeited property re-
25 patriated to the United States by a foreign gov-
26 ernment or others acting at the direction of a

1 foreign government, and interest earned on the
2 property, if—

3 “(i) a final foreign judgment entered
4 against a foreign government or those act-
5 ing at its direction, which foreign judgment
6 was based on the measures, such as sei-
7 zure and repatriation of property, that re-
8 sulted in deposit of the funds into the
9 Fund;

10 “(ii) the foreign judgment was entered
11 and presented to the Attorney General not
12 later than 5 years after the date on which
13 the property was repatriated to the United
14 States;

15 “(iii) the foreign government or those
16 acting at its direction vigorously defended
17 its actions under its own laws; and

18 “(iv) the amount of the disbursement
19 does not exceed the amount of funds de-
20 posited to the Fund, plus interest earned
21 on those funds pursuant to paragraph (5),
22 less any awards and equitable shares paid
23 by the Fund to the foreign government or
24 those acting at its direction in connection
25 with a particular case.”.

1 **Subchapter B—International Drug Control**

2 **SEC. 2101. ANNUAL COUNTRY PLANS FOR DRUG-TRANSIT**
3 **AND DRUG PRODUCING COUNTRIES.**

4 Section 490 of the Foreign Assistance Act of 1961
5 (22 U.S.C. 2291j) is amended by adding at the end the
6 following:

7 “(i) COUNTRY PLANS FOR MAJOR DRUG-TRANSIT
8 AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES.—

9 “(1) ANNUAL REQUIREMENT.—Not later than
10 November 1 each year, the President shall submit to
11 Congress a separate plan for the activities to be un-
12 dertaken by the United States in order to address
13 drug-trafficking and other drug-related matters in
14 each country described in paragraph (2).

15 “(2) COVERED COUNTRIES.—A country re-
16 ferred to in paragraph (1) is any country—

17 “(A) that is determined by the President
18 to be a major drug-transit country or a major
19 illicit drug producing country; and

20 “(B) with which the United States is
21 maintaining diplomatic relations.

22 “(3) FORM.—Each plan under paragraph (1)
23 shall be submitted in unclassified form, but may
24 contain a classified annex.”.

1 **SEC. 2102. PROHIBITION ON USE OF FUNDS FOR COUNTER-**
2 **NARCOTICS ACTIVITIES AND ASSISTANCE.**

3 (a) PROHIBITION.—Notwithstanding any other provi-
4 sion of law, no funds appropriated for any fiscal year after
5 fiscal year 1999 for the counterdrug or counternarcotics
6 activities of the United States (including funds appro-
7 priated for assistance to other countries for such activi-
8 ties) may be obligated or expended for such activities dur-
9 ing the period beginning on November 1 of such fiscal year
10 and ending on the later of—

11 (1) the date of the notification required in such
12 fiscal year under subsection (h) of section 490 of the
13 Foreign Assistance Act of 1961 (22 U.S.C. 2291j);
14 or

15 (2) the date of the submittal of the plans re-
16 quired by subsection (i) of that section, as amended
17 by section 2101 of this Act.

18 (b) LIMITATION ON OVERRIDE.—No provision of law
19 enacted after the date of the enactment of this Act may
20 be construed to override the prohibition set forth in sub-
21 section (a) unless such provision specifically refers to such
22 prohibition in effecting the override.

23 **SEC. 2103. SENSE OF CONGRESS REGARDING COLOMBIA.**

24 It is the sense of Congress—

25 (1) that the provision of counternarcotics assist-
26 ance to Colombia will not meet the purpose of the

1 provision of such assistance without meaningful
2 guarantees that no production, manufacturing, or
3 transportation of narcotics takes place in any area
4 in Colombia designated as a so-called “buffer zone”;

5 (2) to be concerned regarding continuing re-
6 ports of human rights violations by units of the Co-
7 lombia military; and

8 (3) to reaffirm the policy that no aid, supplies,
9 or other assistance should be provided to any mili-
10 tary or law enforcement unit of a foreign country if
11 such unit has engaged in any violation of human
12 rights.

13 **SEC. 2104. SENSE OF CONGRESS REGARDING MEXICO.**

14 It is the sense of Congress that—

15 (1) the United States and the Government of
16 Mexico should conclude a maritime agreement for
17 purposes of improving cooperation between the
18 United States and Mexico in the interdiction of sea-
19 borne drug smuggling;

20 (2) the maritime agreement should be similar to
21 agreements between the United States and govern-
22 ments of other countries in the Caribbean and Latin
23 America which have proven beneficial to the
24 counterdrug activities of the countries concerned;

1 (3) the Government of Mexico should carry
2 through on its promises to the United States Gov-
3 ernment regarding cooperation between such govern-
4 ments in counternarcotics activities, including co-
5 operation in matters relating to extradition, prosecu-
6 tions for money laundering, and other matters;

7 (4) the Government of Mexico is to be com-
8 mended for its cooperation with and support of the
9 United States Government in many law enforcement
10 matters; and

11 (5) the continuing investigation by the Govern-
12 ment of Mexico of United States law enforcement
13 personnel who participated in the money laundering
14 sting operation known as CASABLANCA is an at-
15 tempt by that government to embarrass and harass
16 such personnel even though such personnel were act-
17 ing within the scope of United States law and Mexi-
18 can law in pursuing drug traffickers and money
19 launderers operating both in the United States and
20 in Mexico.

21 **SEC. 2105. SENSE OF CONGRESS REGARDING IRAN.**

22 It is the sense of Congress to express concern that
23 Iran was not included on the most recent list of countries
24 determined to be major drug-transit countries or major

1 illicit drug producing countries despite recent evidence
2 that Iran is a production and transfer point for narcotics.

3 **SEC. 2106. SENSE OF CONGRESS REGARDING SYRIA.**

4 It is the sense of Congress to express concern that
5 Syria was not included on the most recent list of countries
6 determined to be major drug-transit countries or major
7 illicit drug producing countries despite recent evidence
8 that Syria is a trans-shipment point for narcotics from
9 Turkey and from Afghanistan.

10 **SEC. 2107. BRAZIL.**

11 (a) KING AIR AIRCRAFT FOR DEA ACTIVITIES IN
12 BRAZIL.—Notwithstanding any other provision of law, the
13 Administrator of the Drug Enforcement Administration
14 may—

15 (1) purchase a King Air aircraft for purposes of
16 Administration activities in Brazil; and

17 (2) station the aircraft in Brazil for purposes of
18 such activities.

19 (b) SENSE OF CONGRESS REGARDING ASSISTANCE
20 TO BRAZIL.—It is the sense of Congress—

21 (1) to encourage the President to review the na-
22 ture of the cooperation between the United States
23 and Brazil in counternarcotics activities;

24 (2) to recognize the extraordinary threat that
25 narcotics trafficking poses to the national security of

1 Brazil and to the national security of the United
2 States;

3 (3) to applaud the efforts of the Brazil Govern-
4 ment to control drug trafficking in and through the
5 Amazon River basin;

6 (4) to applaud the enactment of legislation by
7 the Brazil Congress that—

8 (A) authorizes appropriate personnel to
9 damage, render inoperative, or destroy aircraft
10 within Brazil territory that are reasonably sus-
11 pected to be engaged primarily in trafficking in
12 illicit narcotics; and

13 (B) contains measures to protect against
14 the loss of innocent life during activities re-
15 ferred to in subparagraph (A), including an ef-
16 fective measure to identify and warn aircraft
17 before the use of force; and

18 (5) to urge the President to issue a statement
19 outlining the matters referred to in paragraphs (1)
20 through (4) in order to prevent any interruption in
21 the current provision by the United States of oper-
22 ational, logistical, technical, administrative, and in-
23 telligence assistance to Brazil.

1 **SEC. 2108. JAMAICA.**

2 (a) REQUIREMENT FOR AERIAL SURVEY.—The
3 President shall take appropriate actions in order to pro-
4 vide for a comprehensive aerial survey of Jamaica for pur-
5 poses of determining the quantity and location of any
6 marijuana and other illegal drugs being grown in Jamaica.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress to express disappointment regarding the lack of
9 progress and cooperation between the United States and
10 Jamaica in counternarcotics activities.

11 **SEC. 2109. SENSE OF CONGRESS REGARDING NORTH**
12 **KOREA.**

13 It is the sense of Congress—

14 (1) to be concerned with the increase in the
15 number of reports of drug trafficking in and through
16 North Korea;

17 (2) to encourage the President to submit to
18 Congress the reports, if any, required by law regard-
19 ing the production and trafficking of narcotics in or
20 through North Korea; and

21 (3) to express concern that the Department of
22 State has evaded its obligations with respect to
23 North Korea under section 490 of the Foreign As-
24 sistance Act of 1961 (22 U.S.C. 2291j), and thereby
25 diminished the significance to the United States of
26 narcotics production and transit in and through

1 North Korea, in order to enhance cultural exchanges
2 between the United States and North Korea.

3 **Subchapter C—Foreign Military Counter-**
4 **Drug Support**

5 **SEC. 2121. REPORTS AND ANALYSIS.**

6 (a) MONTHLY REPORT.—The Secretary of State and
7 the Secretary of Defense shall submit to the Committee
8 on International Relations and the Committee on National
9 Security of the House of Representatives and the Com-
10 mittee on Foreign Relations and the Committee on Armed
11 Services of the Senate each month a report on the current
12 status of any formal letter of request for any foreign mili-
13 tary sales of counter narcotics-related assistance from the
14 head of any police, military, or other appropriate security
15 agency official in an Andean Country. Each report shall
16 include—

- 17 (1) the date the initial request was made;
18 (2) the current status of the request;
19 (3) the remaining approvals needed to process
20 the request;
21 (4) the date that the request has been approved
22 by all relevant departments and agencies; and
23 (5) the expected delivery time for the requested
24 material.

1 (b) ANALYSIS.—Not later than 180 days after the
 2 date of enactment of this Act, the Secretary of State shall
 3 review and forward to Congress an analysis of the current
 4 foreign military sales program. This review shall focus
 5 on—

6 (1) what, if any, are the current delays in the
 7 foreign military sales program;

8 (2) the manner in which the program can be
 9 streamlined;

10 (3) the manner in which the efficiency of proc-
 11 essing requested equipment can be increased; and

12 (4) what, if any, legislative changes are nec-
 13 essary to improve the program so that the time from
 14 request to delivery is minimized.

15 **Subchapter D—Additional Funding For**
 16 **Source and Interdiction Zone Countries**

17 **SEC. 2131. SOURCE ZONE COUNTRIES.**

18 In addition to any other amounts available for Colom-
 19 bia, Peru, and Bolivia for counternarcotics operations,
 20 there is authorized to be appropriated—

21 (1) \$20,000,000 for Peru for each of fiscal
 22 years 2000 and 2001 for supporting additional sur-
 23 veillance, pursuit of drug aircraft, and general sup-
 24 port for counternarcotics operations;

1 (2) \$75,000,000 for Colombia for each of fiscal
2 years 2000 and 2001, for supporting additional sur-
3 veillance, pursuit of drug aircraft, and general sup-
4 port for counternarcotics operations, including the
5 acquisition of a minimum of 3 Blackhawk heli-
6 copters and 2 aerostats; and

7 (3) \$52,000,000 for Bolivia for fiscal year
8 2000, for counternarcotics programs, including high
9 technology detection equipment for the Chapare re-
10 gion, institution building, and law enforcement sup-
11 port.

12 **SEC. 2132. CENTRAL AMERICA.**

13 In addition to the other amounts available, whether
14 pursuant to an authorization of appropriations in this Act
15 or under any other provision of law, for counternarcotics
16 matters for countries in Central America, there is author-
17 ized to be appropriated \$25,000,000 for fiscal year 2000
18 for enhanced efforts in counternarcotics matters by the
19 United States Coast Guard, the United States Customs
20 Service, and other law enforcement agencies.

CHAPTER 2—DOMESTIC LAW
ENFORCEMENT

Subchapter A—Criminal Offenders

SEC. 2201. DRUG OFFENSES COMMITTED IN THE PRESENCE
OF CHILDREN.

(a) IN GENERAL.—For the purposes of this section,
an offense is committed in the presence of a child if—

(1) it takes place in the line of sight of an indi-
vidual who has not attained the age of 15 years; or

(2) an individual who has not attained the age
of 15 years habitually resides in the place where the
violation occurs.

(b) GUIDELINES.—Not later than 120 days after the
date of enactment of this Act, the United States Sen-
tencing Commission shall amend the Federal sentencing
guidelines to provide, with respect to an offense under part
D of the Controlled Substances Act committed in the pres-
ence of a child—

(1) a sentencing enhancement of not less than
2 offense levels above the base offense level for the
underlying offense or 1 additional year, whichever is
greater; and

(2) in the case of a second or subsequent such
offense, a sentencing enhancement of not less than
4 offense levels above the base offense level for the

1 underlying offense, or 2 additional years, whichever
2 is greater.

3 **SEC. 2202. BORDER DEFENSE.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The Southwest Border of the United States
7 is a major crossing point for more than 60 percent
8 of the cocaine entering the United States from Latin
9 America.

10 (2) Drug traffickers are increasingly using vio-
11 lence to threaten local residents, to endanger lives,
12 and destroy property.

13 (3) Drug traffickers are creating a law enforce-
14 ment no-man's land to facilitate drug trafficking on
15 the Mexican side of the common border and using
16 extortionate methods, illegal riches, and intimidation
17 to acquire property on the United States side of the
18 border.

19 (4) United States law enforcement efforts have
20 been insufficient to protect lives and property or to
21 prevent the use of illegally obtained riches to acquire
22 property.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the President, in cooperation with the Govern-
25 ment of Mexico, should take immediate and effective ac-

tion at and near the United States border with Mexico to control violence and other illegal acts directed at the respective residents of both countries.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on—

(1) what steps are being taken to ensure the safety of United States citizens at and near the United States border with Mexico;

(2) what steps are being taken to prevent the illegal acquisition of sites and facilities at or near the border by drug traffickers; and

(3) what further steps need to be taken to ensure the safety and well being of the people of the United States along the United States border with Mexico.

SEC. 2203. CLONE PAGERS.

(a) IN GENERAL.—Section 2511(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

“(i) to use a pen register, trap and trace device, or clone pager, as those terms are defined in chapter 206 of this title (relating to pen registers, trap and trace devices, and clone pagers); or”;

1 (b) EXCEPTION.—Section 3121 of title 18, United
2 States Code, is amended—

3 (1) by striking subsection (a) and inserting the
4 following:

5 “(a) IN GENERAL.—Except as provided in this sec-
6 tion, no person may install or use a pen register, trap and
7 trace device, or clone pager without first obtaining a court
8 order under section 3123 or 3129 of this title, or under
9 the Foreign Intelligence Surveillance Act of 1978 (50
10 U.S.C. 1801 et seq.).”;

11 (2) in subsection (b), by striking “a pen reg-
12 ister or a trap and trace device” and inserting “a
13 pen register, trap and trace device, or clone pager”;
14 and

15 (3) by striking the section heading and insert-
16 ing the following:

17 **“§ 3121. General prohibition on pen register, trap and**
18 **trace device, and clone pager use; excep-**
19 **tion”.**

20 (c) ASSISTANCE.—Section 3124 of title 18, United
21 States Code, is amended—

22 (1) by redesignating subsections (c) through (f)
23 as subsections (d) through (g), respectively;

24 (2) by inserting after subsection (b) the fol-
25 lowing:

1 “(c) CLONE PAGER.—Upon the request of an attor-
 2 ney for the Government or an officer of a law enforcement
 3 agency authorized to use a clone pager under this chapter,
 4 a provider of electronic communication service shall fur-
 5 nish to such investigative or law enforcement officer all
 6 information, facilities, and technical assistance necessary
 7 to accomplish the use of the clone pager unobtrusively and
 8 with a minimum of interference with the services that the
 9 person so ordered by the court provides to the subscriber,
 10 if such assistance is directed by a court order, as provided
 11 in section 3129(b)(2) of this title.”; and

12 (3) by striking the section heading and insert-
 13 ing the following:

14 **“§ 3124. Assistance in installation and use of a pen**
 15 **register, trap and trace device, or clone**
 16 **pager”.**

17 (d) EMERGENCY INSTALLATIONS.—Section 3125 of
 18 title 18, United States Code, is amended—

19 (1) by striking “pen register or a trap and
 20 trace device” and “pen register or trap and trace de-
 21 vice” each place they appear and inserting “pen reg-
 22 ister, trap and trace device, or clone pager”;

23 (2) in subsection (a), by striking “an order ap-
 24 proving the installation or use is issued in accord-
 25 ance with section 3123 of this title” and inserting

1 “an application is made for an order approving the
 2 installation or use in accordance with section 3122
 3 or section 3128 of this title”;

4 (3) in subsection (b), by adding at the end the
 5 following: “If such application for the use of a clone
 6 pager is denied, or in any other case in which the
 7 use of the clone pager is terminated without an
 8 order having been issued, an inventory shall be
 9 served as provided for in section 3129(e) of this
 10 title.”; and

11 (4) by striking the section heading and insert-
 12 ing the following:

13 **“§ 3125. Emergency installation and use of pen reg-**
 14 **ister, trap and trace device, and clone**
 15 **pager”.**

16 (e) REPORTS.—Section 3126 of title 18, United
 17 States Code, is amended—

18 (1) by striking “pen register orders and orders
 19 for trap and trace devices” and inserting “orders for
 20 pen registers, trap and trace devices, and clone
 21 pagers”; and

22 (2) by striking the section heading and insert-
 23 ing the following:

1 **“§ 3126. Reports concerning pen registers, trap and**
2 **trace devices, and clone pagers”.**

3 (f) DEFINITIONS.—Section 3127 of title 18, United
4 States Code, is amended—

5 (1) in paragraph (2)—

6 (A) in subparagraph (A), by striking “or”
7 at the end; and

8 (B) by striking subparagraph (B) and in-
9 serting the following:

10 “(B) with respect to an application for the
11 use of a pen register or trap and trace device,
12 a court of general criminal jurisdiction of a
13 State authorized by the law of that State to
14 enter orders authorizing the use of a pen reg-
15 ister or a trap and trace device; or

16 “(C) with respect to an application for the
17 use of a clone pager, a court of general criminal
18 jurisdiction of a State authorized by the law of
19 that State to issue orders authorizing the use of
20 a clone pager;”;

21 (2) in paragraph (5), by striking “and” at the
22 end;

23 (3) in paragraph (6), by striking the period at
24 the end and inserting “; and”; and

25 (4) by adding at the end the following:

1 “(7) the term ‘clone pager’ means a numeric
 2 display device that receives communications intended
 3 for another numeric display paging device.”.

4 (g) APPLICATIONS.—Chapter 206 of title 18, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 **“§ 3128. Application for an order for use of a clone**
 8 **pager**

9 “(a) APPLICATION.—

10 “(1) FEDERAL REPRESENTATIVES.—Any attor-
 11 ney for the Government may apply to a court of
 12 competent jurisdiction for an order or an extension
 13 of an order under section 3129 of this title author-
 14 izing the use of a clone pager.

15 “(2) STATE REPRESENTATIVES.—A State in-
 16 vestigative or law enforcement officer may, if author-
 17 ized by a State statute, apply to a court of com-
 18 petent jurisdiction of such State for an order or an
 19 extension of an order under section 3129 of this title
 20 authorizing the use of a clone pager.

21 “(b) CONTENTS OF APPLICATION.—An application
 22 under subsection (a) of this section shall include—

23 “(1) the identity of the attorney for the Govern-
 24 ment or the State law enforcement or investigative
 25 officer making the application and the identity of the

1 law enforcement agency conducting the investiga-
2 tion;

3 “(2) the identity, if known, of the individual or
4 individuals using the numeric display paging device
5 to be cloned;

6 “(3) a description of the numeric display paging
7 device to be cloned;

8 “(4) a description of the offense to which the
9 information likely to be obtained by the clone pager
10 relates;

11 “(5) the identity, if known, of the person who
12 is subject of the criminal investigation; and

13 “(6) an affidavit or affidavits, sworn to before
14 the court of competent jurisdiction, establishing
15 probable cause to believe that information relevant
16 to an ongoing criminal investigation being conducted
17 by that agency will be obtained through use of the
18 clone pager.

19 **“§ 3129. Issuance of an order for use of a clone pager**

20 “(a) IN GENERAL.—Upon an application made under
21 section 3128 of this title, the court shall enter an ex parte
22 order authorizing the use of a clone pager within the juris-
23 diction of the court if the court finds that the application
24 has established probable cause to believe that information
25 relevant to an ongoing criminal investigation being con-

1 ducted by that agency will be obtained through use of the
2 clone pager.

3 “(b) CONTENTS OF AN ORDER.—An order issued
4 under this section—

5 “(1) shall specify—

6 “(A) the identity, if known, of the indi-
7 vidual or individuals using the numeric display
8 paging device to be cloned;

9 “(B) the numeric display paging device to
10 be cloned;

11 “(C) the identity, if known, of the sub-
12 scriber to the pager service; and

13 “(D) the offense to which the information
14 likely to be obtained by the clone pager relates;
15 and

16 “(2) shall direct, upon the request of the appli-
17 cant, the furnishing of information, facilities, and
18 technical assistance necessary to use the clone pager
19 under section 3124 of this title.

20 “(c) TIME PERIOD AND EXTENSIONS.—

21 “(1) IN GENERAL.—An order issued under this
22 section shall authorize the use of a clone pager for
23 a period not to exceed 30 days. Such 30-day period
24 shall begin on the earlier of the day on which the
25 investigative or law enforcement officer first begins

1 use of the clone pager under the order or the tenth
2 day after the order is entered.

3 “(2) EXTENSIONS.—Extensions of an order
4 issued under this section may be granted, but only
5 upon an application for an order under section 3128
6 of this title and upon the judicial finding required by
7 subsection (a). An extension under this paragraph
8 shall be for a period not to exceed 30 days.

9 “(3) REPORT.—Within a reasonable time after
10 the termination of the period of a clone pager order
11 or any extensions thereof under this subsection, the
12 applicant shall report to the issuing court the num-
13 ber of numeric pager messages acquired through the
14 use of the clone pager during such period.

15 “(d) NONDISCLOSURE OF EXISTENCE OF CLONE
16 PAGER.—An order authorizing the use of a clone pager
17 shall direct that—

18 “(1) the order shall be sealed until otherwise
19 ordered by the court; and

20 “(2) the person who has been ordered by the
21 court to provide assistance to the applicant may not
22 disclose the existence of the clone pager or the exist-
23 ence of the investigation to the listed subscriber, or
24 to any other person, until otherwise ordered by the
25 court.

1 “(e) NOTIFICATION.—

2 “(1) IN GENERAL.—Within a reasonable time,
3 not later than 90 days after the date of termination
4 of the period of a clone pager order or any exten-
5 sions thereof, the issuing judge shall cause to be
6 served, on the individual or individuals using the nu-
7 meric display paging device that was cloned, an in-
8 ventory including notice of—

9 “(A) the fact of the entry of the order or
10 the application;

11 “(B) the date of the entry and the period
12 of clone pager use authorized, or the denial of
13 the application; and

14 “(C) whether or not information was ob-
15 tained through the use of the clone pager.

16 “(2) POSTPONEMENT.—Upon an ex-parte show-
17 ing of good cause, a court of competent jurisdiction
18 may in its discretion postpone the serving of the no-
19 tice required by this subsection.”.

20 (h) CLERICAL AMENDMENTS.—The table of sections
21 for chapter 206 of title 18, United States Code, is
22 amended—

23 (1) by striking the item relating to section 3121
24 and inserting the following:

“3121. General prohibition on pen register, trap and trace device, and clone
pager use; exception.”;

1 (2) by striking the items relating to sections
2 3124, 3125, and 3126 and inserting the following:

“3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.

“3125. Emergency installation and use of pen register, trap and trace device, and clone pager.

“3126. Reports concerning pen registers, trap and trace devices, and clone pagers.”; and

3 (3) by adding at the end the following:

“3128. Application for an order for use of a clone pager.

“3129. Issuance of an order for use of a clone pager”.

4 (i) CONFORMING AMENDMENT.—Section 704(a) of
5 the Communications Act of 1934 (47 U.S.C. 605(a)) is
6 amended by striking “chapter 119,” and inserting “chap-
7 ters 119 and 206 of”.

8 **Subchapter B—Powder Cocaine Mandatory**
9 **Minimum Sentencing**

10 **SEC. 2211. SENTENCING FOR VIOLATIONS INVOLVING CO-**
11 **CAINE POWDER.**

12 (a) AMENDMENT OF CONTROLLED SUBSTANCES
13 ACT.—

14 (1) LARGE QUANTITIES.—Subparagraph (A)(ii)
15 of section 401(b)(1) of the Controlled Substances
16 Act (21 U.S.C. 841(b)(1)) is amended by striking “5
17 kilograms” and inserting “500 grams”.

18 (2) SMALL QUANTITIES.—Subparagraph (B)(ii)
19 of that section is amended by striking “500 grams”
20 and inserting “50 grams”.

1 (b) AMENDMENT OF CONTROLLED SUBSTANCES IM-
2 PORT AND EXPORT ACT.—

3 (1) LARGE QUANTITIES.—Paragraph (1)(B) of
4 section 1010(b) of the Controlled Substances Import
5 and Export Act (21 U.S.C. 960(b)) is amended by
6 striking “5 kilograms” and inserting “500 grams”.

7 (2) SMALL QUANTITIES.—Paragraph (2)(B) of
8 that section is amended by striking “500 grams”
9 and inserting “50 grams”.

10 (c) AMENDMENT OF SENTENCING GUIDELINES.—
11 Pursuant to section 994 of title 28, United States Code,
12 the United States Sentencing Commission shall amend the
13 Federal sentencing guidelines to reflect the amendments
14 made by this section.

15 **Subchapter C—Drug-Free Borders**

16 **SEC. 2221. INCREASED NUMBER OF BORDER PATROL** 17 **AGENTS.**

18 Section 101(a) of the Illegal Immigration Reform and
19 Immigrant Responsibility Act of 1996 (Public Law 104–
20 208; 110 Stat. 3009–553) is amended to read as follows:

21 “(a) INCREASED NUMBER OF BORDER PATROL
22 AGENTS.—The Attorney General in each of fiscal years
23 2000, 2001, 2002, 2003, and 2004 shall increase by not
24 less than 1,500 the number of positions for full-time, ac-
25 tive-duty border patrol agents within the Immigration and

1 Naturalization Service above the number of such positions
 2 for which funds were allotted for the preceding fiscal year,
 3 to achieve a level of 15,000 positions by fiscal year 2004.”.

4 **SEC. 2222. ENHANCED BORDER PATROL PURSUIT POLICY.**

5 A border patrol agent of the United States Border
 6 Patrol may not cease pursuit of an alien who the agent
 7 suspects has unlawfully entered the United States, or an
 8 individual who the agent suspects has unlawfully imported
 9 a narcotic into the United States, until State or local law
 10 enforcement authorities are in pursuit of the alien or indi-
 11 vidual and have the alien or individual in their visual
 12 range.

13 **CHAPTER 3—DEMAND REDUCTION**

14 **Subchapter A—Education, Prevention, and**
 15 **Treatment**

16 **SEC. 2251. SENSE OF CONGRESS ON REAUTHORIZATION OF**
 17 **SAFE AND DRUG-FREE SCHOOLS AND COM-**
 18 **MUNITIES ACT OF 1994.**

19 (a) FINDINGS.—Congress makes the following find-
 20 ings:

21 (1) Drug and alcohol use continue to plague the
 22 Nation’s youth.

23 (2) Approximately 5.6 percent of high school
 24 seniors currently smoke marijuana daily.

1 (3) The American public has identified drugs as
2 the most serious problem facing its children today.

3 (4) Delinquent behavior is clearly linked to the
4 frequency of marijuana use.

5 (5) 89 percent of students in grades 6 through
6 12 say their teachers have taught them about the
7 dangers of drugs and alcohol.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that Congress and the President should make the
10 reauthorization of the Safe and Drug-Free Schools and
11 Communities Act of 1994 a high priority for the 106th
12 Congress, and that such reauthorization should maintain
13 substance abuse prevention as a major focus of the pro-
14 gram.

15 **SEC. 2252. SENSE OF CONGRESS REGARDING REAUTHOR-**
16 **IZATION OF PREVENTION AND TREATMENT**
17 **PROGRAMS.**

18 (a) FINDINGS.—Congress makes the following find-
19 ings:

20 (1) 34.8 percent of Americans 12 years of age
21 and older have used an illegal drug in their lifetime,
22 90 percent of these individuals have used marijuana
23 or hashish, and approximately 30 percent have tried
24 cocaine.

1 (2) The number of teenagers using drugs has
2 increased significantly over the past 5 years.

3 (3) Drug abuse is a health issue being faced in
4 every community, town, State and region of this
5 country.

6 (4) No one is immune from drug abuse, and
7 such abuse threatens Americans of every socio-
8 economic background, every educational level, and
9 every race and ethnic origin.

10 (5) In 1990 the United States spent
11 \$67,000,000,000 on drug-related disorders including
12 health costs, the costs of crime, the costs of acci-
13 dents and other damages to individuals and prop-
14 erty, and the costs of the loss of productivity and
15 premature death.

16 (6) Comprehensive prevention activities can
17 help youth in saying no to drugs.

18 (7) There are over 6,000 community coalitions
19 throughout the nation helping the youth of America
20 choose a healthy life style.

21 (8) Individuals with addictive disorders should
22 be held accountable for their actions and should be
23 offered treatment to help change destructive behav-
24 ior.

1 (9) A balanced approach to dealing with drug
 2 abuse is needed in the United States between reduc-
 3 ing the demand for drugs and the supply of those
 4 drugs and a comprehensive plan for addressing drug
 5 abuse will involve prevention, education and treat-
 6 ment as well as law enforcement and interdiction.

7 (10) The Substance Abuse and Mental Health
 8 Services Administration is the lead Federal agency
 9 for substance abuse prevention and treatment initia-
 10 tives.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
 12 gress that Congress and the President should—

13 (1) make the reauthorization of Federal sub-
 14 stance abuse prevention and treatment programs a
 15 high priority for the 106th Congress; and

16 (2) provide more flexibility to States in the use
 17 of Federal funds for provision of drug abuse preven-
 18 tion and treatment services while holding States ac-
 19 countable for their performance.

20 **SEC. 2253. REPORT ON DRUG-TESTING TECHNOLOGIES.**

21 (a) REQUIREMENT.—The National Institute on
 22 Standards and Technology shall conduct a study of drug-
 23 testing technologies in order to identify and assess the effi-
 24 cacy, accuracy, and usefulness for purposes of the Na-
 25 tional effort to detect the use of illicit drugs of any drug-

1 testing technologies (including the testing of hair) that
 2 may be used as alternatives or complements to urinalysis
 3 as a means of detecting the use of such drugs.

4 (b) REPORT.—Not later than 180 days after the date
 5 of the enactment of this Act, the Institute shall submit
 6 to Congress a report on the results of the study conducted
 7 under subsection (a).

8 **SEC. 2254. USE OF NATIONAL INSTITUTES OF HEALTH SUB-**
 9 **STANCE ABUSE RESEARCH.**

10 (a) NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
 11 ALCOHOLISM.—Section 464H of the Public Health Serv-
 12 ice Act (42 U.S.C. 285n) is amended—

13 (1) by redesignating subsection (d) as sub-
 14 section (e); and

15 (2) by inserting after subsection (c) the fol-
 16 lowing:

17 “(d) REQUIREMENT TO ENSURE THAT RESEARCH
 18 AIDS PRACTITIONERS.—The Director, in conjunction with
 19 the Director of the National Institute on Drug Abuse and
 20 the Director of the Center for Substance Abuse Treat-
 21 ment, shall—

22 “(1) ensure that the results of all current alco-
 23 hol research that is set aside for services (and other
 24 appropriate research with practical consequences) is

1 widely disseminated to treatment practitioners in an
 2 easily understandable format;

3 “(2) ensure that such research results are dis-
 4 seminated in a manner that provides easily under-
 5 standable steps for the implementation of best prac-
 6 tices based on the research; and

7 “(3) make technical assistance available to the
 8 Center for Substance Abuse Treatment to assist al-
 9 cohol and drug treatment practitioners to make per-
 10 manent changes in treatment activities through the
 11 use of successful treatment models.”.

12 (b) NATIONAL INSTITUTE ON DRUG ABUSE.—Sec-
 13 tion 464L of the Public Health Service Act (42 U.S.C.
 14 285o) is amended—

15 (1) by redesignating subsection (d) as sub-
 16 section (e); and

17 (2) by inserting after subsection (c) the fol-
 18 lowing:

19 “(d) REQUIREMENT TO ENSURE THAT RESEARCH
 20 AIDS PRACTITIONERS.—The Director, in conjunction with
 21 the Director of the National Institute on Alcohol Abuse
 22 and Alcoholism and the Director of the Center for Sub-
 23 stance Abuse Treatment, shall—

24 “(1) ensure that the results of all current drug
 25 abuse research that is set aside for services (and

1 other appropriate research with practical con-
 2 sequences) is widely disseminated to treatment prac-
 3 titioners in an easily understandable format;

4 “(2) ensure that such research results are dis-
 5 seminated in a manner that provides easily under-
 6 standable steps for the implementation of best prac-
 7 tices based on the research; and

8 “(3) make technical assistance available to the
 9 Center for Substance Abuse Treatment to assist al-
 10 cohool and drug treatment practitioners to make per-
 11 manent changes in treatment activities through the
 12 use of successful treatment models.”.

13 **SEC. 2255. NEEDLE EXCHANGE.**

14 (a) PROHIBITION REGARDING ILLEGAL DRUGS AND
 15 DISTRIBUTION OF HYPODERMIC NEEDLES.—Part B of
 16 title II of the Public Health Service Act (42 U.S.C. 238
 17 et seq.) is amended by adding at the end the following
 18 section:

19 “PROHIBITION REGARDING ILLEGAL DRUGS AND
 20 DISTRIBUTION OF HYPODERMIC NEEDLES

21 “SEC. 247. Notwithstanding any other provision of
 22 law, none of the amounts made available under any Fed-
 23 eral law for any fiscal year may be expended, directly or
 24 indirectly, to carry out any program of distributing sterile
 25 needles or syringes for the hypodermic injection of any ille-
 26 gal drug.”.

1 (b) CONFORMING AMENDMENT.—Section 506 of
2 Public Law 105–78 is repealed.

3 **SEC. 2256. DRUG-FREE TEEN DRIVERS INCENTIVE.**

4 (a) IN GENERAL.—The Secretary of Transportation
5 shall establish an incentive grant program for States to
6 assist the States in improving their laws relating to con-
7 trolled substances and driving.

8 (b) GRANT REQUIREMENTS.—To qualify for a grant
9 under subsection (a), a State shall carry out the following:

10 (1) Enact, actively enforce, and publicize a law
11 that makes it illegal to drive in the State with any
12 measurable amount of an illegal controlled substance
13 in the driver’s body. An illegal controlled substance
14 is a controlled substance for which an individual
15 does not have a legal written prescription. An indi-
16 vidual who is convicted of such illegal driving shall
17 be referred to appropriate services, including inter-
18 vention, counselling, and treatment.

19 (2) Enact, actively enforce, and publicize a law
20 that makes it illegal to drive in the State when driv-
21 ing is impaired by the presence of any drug. The
22 State shall provide that in the enforcement of such
23 law, a driver shall be tested for the presence of a
24 drug when there is evidence of impaired driving and
25 a driver will have the driver’s license suspended. An

1 individual who is convicted of such illegal driving
2 shall be referred to appropriate services, including
3 intervention, counselling, and treatment.

4 (3) Enact, actively enforce, and publicize a law
5 that authorizes the suspension of a driver's license
6 if the driver is convicted of any criminal offense re-
7 lating to drugs.

8 (4) Enact a law that provides that beginning
9 driver applicants and other individuals applying for
10 or renewing a driver's license will be provided infor-
11 mation about the laws referred to in paragraphs (1),
12 (2), and (3) and will be required to answer drug-re-
13 lated questions on their applications.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated for each of fiscal years 2000
16 through 2004, \$10,000,000 to carry out this section.

17 **SEC. 2257. DRUG-FREE SCHOOLS.**

18 Congress makes the following findings:

19 (1) The continued presence in schools of violent
20 students who are a threat to both teachers and other
21 students is incompatible with a safe learning envi-
22 ronment.

23 (2) Unsafe school environments place students
24 who are already at risk of school failure for other
25 reasons in further jeopardy.

1 (3) Recently, over one-fourth of high school stu-
2 dents surveyed reported being threatened at school.

3 (4) 2,000,000 more children are using drugs in
4 1997 than were doing so a few short years prior to
5 1997.

6 (5) More of our children are becoming involved
7 with hard drugs at earlier ages, as use of heroin and
8 cocaine by 8th graders has more than doubled since
9 1991.

10 (6) Greater cooperation between schools, par-
11 ents, law enforcement, the courts, and the commu-
12 nity is essential to making our schools safe from
13 drugs and violence.

14 **SEC. 2258. VICTIM AND WITNESS ASSISTANCE PROGRAMS**
15 **FOR TEACHERS AND STUDENTS.**

16 (a) VICTIM COMPENSATION.—Section 1403 of the
17 Victims of Crime Act of 1984 (42 U.S.C. 10602) is
18 amended by adding at the end the following:

19 “(f) VICTIMS OF SCHOOL VIOLENCE.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of law, an eligible crime victim compensa-
22 tion program may expend funds appropriated under
23 paragraph (2) to offer compensation to elementary
24 and secondary school students or teachers who are
25 victims of elementary and secondary school violence

1 (as school violence is defined under applicable State
2 law).

3 “(2) FUNDING.—There is authorized to be ap-
4 propriated such sums as may be necessary to carry
5 out paragraph (1).”.

6 (b) VICTIM AND WITNESS ASSISTANCE.—Section
7 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C.
8 10603(c)) is amended by adding at the end the following:

9 “(5) Notwithstanding any other provision of law, the
10 Director may make a grant under this section for a dem-
11 onstration project or for training and technical assistance
12 services to a program that—

13 “(A) assists State educational agencies and
14 local educational agencies (as the terms are defined
15 in section 14101 of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 8801)) in devel-
17 oping, establishing, and operating programs that are
18 designed to protect victims of and witnesses to inci-
19 dents of elementary and secondary school violence
20 (as school violence is defined under applicable State
21 law), including programs designed to protect wit-
22 nesses testifying in school disciplinary proceedings;
23 or

24 “(B) supports a student safety toll-free hotline
25 that provides students and teachers in elementary

1 and secondary schools with confidential assistance
 2 relating to the issues of school crime, violence, drug
 3 dealing, and threats to personal safety.”.

4 **SEC. 2259. INNOVATIVE PROGRAMS TO PROTECT TEACH-**
 5 **ERS AND STUDENTS.**

6 (a) DEFINITIONS.—In this section:

7 (1) ELEMENTARY SCHOOL, LOCAL EDU-
 8 CATIONAL AGENCY, SECONDARY SCHOOL, AND STATE
 9 EDUCATIONAL AGENCY.—The terms “elementary
 10 school”, “local educational agency”, “secondary
 11 school”, and “State educational agency” have the
 12 meanings given the terms in section 14101 of the
 13 Elementary and Secondary Education Act of 1965
 14 (20 U.S.C. 8801).

15 (2) SECRETARY.—The term “Secretary” means
 16 the Secretary of Education.

17 (b) AUTHORIZATION FOR REPORT CARDS ON
 18 SCHOOLS.—

19 (1) IN GENERAL.—The Secretary is authorized
 20 to award grants to States, State educational agen-
 21 cies, and local educational agencies to develop, estab-
 22 lish, or conduct innovative programs to improve un-
 23 safe elementary schools or secondary schools.

24 (2) PRIORITY.—The Secretary shall give pri-
 25 ority to awarding grants under paragraph (1) to—

1 (A) programs that provide parent and
2 teacher notification about incidents of physical
3 violence, weapon possession, or drug activity on
4 school grounds as soon after the incident as
5 practicable;

6 (B) programs that provide to parents and
7 teachers an annual report regarding—

8 (i) the total number of incidents of
9 physical violence, weapon possession, and
10 drug activity on school grounds;

11 (ii) the percentage of students missing
12 10 or fewer days of school; and

13 (iii) a comparison, if available, to pre-
14 vious annual reports under this paragraph,
15 which comparison shall not involve a com-
16 parison of more than 5 such previous an-
17 nual reports; and

18 (C) programs to enhance school security
19 measures that may include—

20 (i) equipping schools with fences,
21 closed circuit cameras, and other physical
22 security measures;

23 (ii) providing increased police patrols
24 in and around elementary schools and sec-
25 ondary schools, including canine patrols;

(iii) mailings to parents at the beginning of the school year stating that the possession of a gun or other weapon, or the sale of drugs in school, will not be tolerated by school authorities; and

(iv) hiring counselors or other personnel to detect and intervene at signs of dangerous or antisocial behavior that could precede violent acts.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, State educational agency, or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain an assurance that the State or agency has implemented or will implement policies that—

(A) provide protections for victims and witnesses to school crime, including protections for attendance at school disciplinary proceedings;

(B) expel students who, on school grounds, sell drugs or who commit a violent offense that

1 causes serious bodily injury of another student
2 or teacher; and

3 (C) require referral to law enforcement au-
4 thorities or juvenile authorities of any student
5 who on school grounds—

6 (i) threatens violence;

7 (ii) commits a violent offense resulting
8 in serious bodily injury; or

9 (iii) sells drugs.

10 (3) SPECIAL RULE.—For purposes of subpara-
11 graphs (B) and (C) of paragraph (2), State law shall
12 determine what constitutes a violent offense or seri-
13 ous bodily injury.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated such sums as may be nec-
16 essary to carry out this section.

17 (e) INNOVATIVE VOLUNTARY RANDOM DRUG TEST-
18 ING PROGRAMS.—Section 4116(b) of the Safe and Drug-
19 Free Schools and Communities Act of 1994 (20 U.S.C.
20 7116(b)) is amended—

21 (1) in paragraph (9), by striking “and” after
22 the semicolon;

23 (2) by redesignating paragraph (10) as para-
24 graph (11); and

1 (3) by inserting after paragraph (9) the fol-
2 lowing:

3 “(10) innovative voluntary random drug testing
4 programs; and”.

5 **Subchapter B—Drug-Free Families**

6 **SEC. 2271. SHORT TITLE.**

7 This subchapter may be cited as the “Drug-Free
8 Families Act of 1999”.

9 **SEC. 2272. FINDINGS.**

10 Congress makes the following findings:

11 (1) The National Institute on Drug Abuse esti-
12 mates that in 1962, less than one percent of the na-
13 tion’s adolescents had ever tried an illicit drug. By
14 1979, drug use among young people had escalated to
15 the highest levels in history: 34 percent of adoles-
16 cents (ages 12-17), 65 percent of high school seniors
17 (age 18), and 70 percent of young adults (ages 18-
18 25) had used an illicit drug in their lifetime.

19 (2) Drug use among young people was not con-
20 fined to initial trials. By 1979, 16 percent of adoles-
21 cents, 39 percent of high school seniors, and 38 per-
22 cent of young adults had used an illicit drug in the
23 past month. Moreover, one in nine high school sen-
24 iors used marijuana daily.

1 (3) In 1979, the year the largest number of
2 seniors used marijuana, their belief that marijuana
3 could hurt them was at its lowest (35 percent) since
4 surveys have tracked these measures.

5 (4) Three forces appeared to be driving this es-
6 calation in drug use among children and young
7 adults. Between 1972 and 1978, a nationwide polit-
8 ical campaign conducted by drug legalization advo-
9 cates persuaded eleven state legislatures to “decrimi-
10 nalize” marijuana. (Many of those states have subse-
11 quently “recriminalized” the drug.) Such legislative
12 action reinforced advocates’ assertion that marijuana
13 was “relatively harmless.”

14 (5) The decriminalization effort gave rise to the
15 emergence of “head shops” (shops for “heads,” or
16 drug users—“coke heads,” “pot heads,” “acid
17 heads,” etc.) which sold drug paraphernalia—an
18 array of toys, implements, and instructional pam-
19 phlets and booklets to enhance the use of illicit
20 drugs. Some 30,000 such shops were estimated to be
21 doing business throughout the nation by 1978.

22 (6) In the absence of Federal funding for drug
23 education then, most of the drug education materials
24 that were available proclaimed that few illicit drugs
25 were addictive and most were “less harmful” than

1 alcohol and tobacco and therefore taught young peo-
2 ple how to use marijuana, cocaine, and other illicit
3 drugs “responsibly”.

4 (7) Between 1977 and 1980, three national
5 parent drug-prevention organizations—National
6 Families in Action, PRIDE, and the National Fed-
7 eration of Parents for Drug-Free Youth (now called
8 the National Family Partnership)—emerged to help
9 concerned parents form some 4,000 local parent pre-
10 vention groups across the nation to reverse all of
11 these trends in order to prevent children from using
12 drugs. Their work created what has come to be
13 known as the parents drug-prevention movement, or
14 more simply, the parent movement. This movement
15 set three goals: to prevent the use of any illegal
16 drug, to persuade those who had started using drugs
17 to stop, and to obtain treatment for those who had
18 become addicted so that they could return to drug-
19 free lives.

20 (8) The parent movement pursued a number of
21 objectives to achieve these goals. First, it helped par-
22 ents educate themselves about the harmful effects of
23 drugs, teach that information to their children, com-
24 municate that they expected their children not to use
25 drugs, and establish consequences if children failed

1 to meet that expectation. Second, it helped parents
2 form groups with other parents to set common age-
3 appropriate social and behavioral guidelines to pro-
4 tect their children from exposure to drugs. Third, it
5 encouraged parents to insist that their communities
6 reinforce parents' commitment to protect children
7 from drug use.

8 (9) The parent movement stopped further ef-
9 forts to decriminalize marijuana, both in the states
10 and at the Federal level.

11 (10) The parent movement worked for laws to
12 ban the sale of drug paraphernalia. If drugs were il-
13 legal, it made no sense to condone the sale of toys
14 and implements to enhance the use of illegal drugs,
15 particularly when those products targeted children.
16 As town, cities, counties, and states passed anti-par-
17 aphernalia laws, drug legalization organizations chal-
18 lenged their Constitutionality in Federal courts until
19 the early 1980's, when the United States Supreme
20 Court upheld Nebraska's law and established the
21 right of communities to ban the sale of drug para-
22 phernalia.

23 (11) The parent movement insisted that drug-
24 education materials convey a strong no-use message
25 in compliance with both the law and with medical

1 and scientific information that demonstrates that
2 drugs are harmful, particularly to young people.

3 (12) The parent movement encouraged others
4 in society to join the drug prevention effort and
5 many did, from First Lady Nancy Reagan to the en-
6 tertainment industry, the business community, the
7 media, the medical community, the educational com-
8 munity, the criminal justice community, the faith
9 community, and local, state, and national political
10 leaders.

11 (13) The parent movement helped to cause
12 drug use among young people to peak in 1979. As
13 its efforts continued throughout the next decade,
14 and as others joined parents to expand the drug-pre-
15 vention movement, between 1979 and 1992 these
16 collaborative prevention efforts contributed to reduc-
17 ing monthly illicit drug use by two-thirds among
18 adolescents and young adults and reduced daily
19 marijuana use among high-school seniors from 10.7
20 percent to 1.9 percent. Concurrently, both the par-
21 ent movement and the larger prevention movement
22 that evolved throughout the 1980's, working to-
23 gether, increased high school seniors' belief that
24 marijuana could hurt them, from 35 percent in 1979
25 to 79 percent in 1991.

1 (14) Unfortunately, as drug use declined, most
2 of the 4,000 volunteer parents groups that contrib-
3 uted to the reduction in drug use disbanded, having
4 accomplished the job they set out to do. But the ab-
5 sence of active parent groups left a vacuum that was
6 soon filled by a revitalized drug-legalization move-
7 ment. Proponents began advocating for the legaliza-
8 tion of marijuana for medicine, the legalization of all
9 Schedule I drugs for medicine, the legalization of
10 hemp for medicinal, industrial and recreational use,
11 and a variety of other proposals, all designed to ulti-
12 mately attack, weaken, and eventually repeal the na-
13 tion's drug laws.

14 (15) Furthermore, legalization proponents are
15 also beginning to advocate for treatment that main-
16 tains addicts on the drugs to which they are ad-
17 dicted (heroin maintenance for heroin addicts, con-
18 trolled drinking for alcoholics, etc.), for teaching
19 school children to use drugs "responsibly," and for
20 other measures similar to those that produced the
21 drug epidemic among young people in the 1970's.

22 (16) During the 1990's, the message embodied
23 in all of this activity has once again driven down
24 young people's belief that drugs can hurt them. As
25 a result, the reductions in drug use that occurred

1 over 13 years reversed in 1992, and adolescent drug
2 use has more than doubled.

3 (17) Today's parents are almost universally in
4 the workplace and do not have time to volunteer.
5 Many families are headed by single parents. In some
6 families no parents are available, and grandparents,
7 aunts, uncles, or foster parents are raising the fam-
8 ily's children.

9 (18) Recognizing that these challenges make it
10 much more difficult to reach parents today, several
11 national parent and family drug-prevention organi-
12 zations have formed the Parent Collaboration to ad-
13 dress these issues in order to build a new parent and
14 family movement to prevent drug use among chil-
15 dren.

16 (19) Motivating parents and parent groups to
17 coordinate with local community anti-drug coalitions
18 is a key goal of the Parent Collaboration, as well as
19 coordinating parent and family drug-prevention ef-
20 forts with Federal, State, and Local governmental
21 and private agencies and political, business, medical
22 and scientific, educational, criminal justice, religious,
23 and media and entertainment industry leaders.

24 **SEC. 2273. PURPOSES.**

25 The purposes of this subchapter are to—

1 (1) build a movement to help parents and fami-
2 lies prevent drug use among their children and ado-
3 lescents;

4 (2) help parents and families reduce drug abuse
5 and drug addiction among adolescents who are al-
6 ready using drugs, and return them to drug-free
7 lives;

8 (3) increase young people's perception that
9 drugs are harmful to their health, well-being, and
10 ability to function successfully in life;

11 (4) help parents and families educate society
12 that the best way to protect children from drug use
13 and all of its related problems is to convey a clear,
14 consistent, no-use message;

15 (5) strengthen coordination, cooperation, and
16 collaboration between parents and families and all
17 others who are interested in protecting children from
18 drug use and all of its related problems;

19 (6) help parents strengthen their families,
20 neighborhoods, and school communities to reduce
21 risk factors and increase protective factors to ensure
22 the healthy growth of children; and

23 (7) provide resources in the fiscal year 2000
24 Federal drug control budget for a grant to the Par-
25 ent Collaboration to conduct a national campaign to

1 mobilize today's parents and families through the
2 provision of information, training, technical assist-
3 ance, and other services to help parents and families
4 prevent drug use among their children and to build
5 a new parent and family drug-prevention movement.

6 **SEC. 2274. DEFINITIONS.**

7 In this subchapter:

8 (1) ADMINISTRATIVE COSTS.—The term “ad-
9 ministrative costs” means to those costs that the as-
10 signed Federal agency will incur to administer the
11 grant to the Parent Collaboration.

12 (2) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Drug En-
14 forcement Administration.

15 (3) NO-USE MESSAGE.—The term “no-use mes-
16 sage” means no use of any illegal drug and no illegal
17 use of any legal drug or substance that is sometimes
18 used illegally, such as prescription drugs, inhalants,
19 and alcohol and tobacco for children and adolescents
20 under the legal purchase age.

21 (4) PARENT COLLABORATION.—The term “Par-
22 ent Collaboration” means the legal entity, which is
23 exempt from income taxation under section
24 501(c)(3) of the Internal Revenue Code of 1986, es-
25 tablished by National Families in Action, National

1 Asian Pacific American Families Against Substance
 2 Abuse, African American Parents for Drug Preven-
 3 tion, National Association for Native American Chil-
 4 dren of Alcoholics, and the National Hispano/Latino
 5 Community Prevention Network and other groups,
 6 that—

7 (A) have a primary mission of helping par-
 8 ents prevent drug use, drug abuse, and drug
 9 addiction among their children, their families,
 10 and their communities;

11 (B) have carried out this mission for a
 12 minimum of 5 consecutive years; and

13 (C) base their drug-prevention missions on
 14 the foundation of a strong, no-use message in
 15 compliance with international, Federal, State,
 16 and local treaties and laws that prohibit the
 17 possession, production, cultivation, distribution,
 18 sale, and trafficking in illicit drugs;

19 in order to build a new parent and family movement
 20 to prevent drug use among children and adolescents

21 **SEC. 2275. ESTABLISHMENT OF DRUG-FREE FAMILIES SUP-**
 22 **PORT PROGRAM.**

23 (a) IN GENERAL.—The Administrator shall make a
 24 grant to the Parent Collaboration to conduct a national
 25 campaign to build a new parent and family movement to

1 help parents and families prevent drug abuse among their
2 children.

3 (c) TERMINATION.—The period of the grant under
4 this section shall be 5 years.

5 **SEC. 2276. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There is authorized to be appro-
7 priated to carry out this subchapter \$5,000,000 for each
8 of fiscal years 2000 through 2004 for a grant to the Par-
9 ent Collaboration to conduct the national campaign to mo-
10 bilize parents and families.

11 (b) ADMINISTRATIVE COSTS.—Not more than 5 per-
12 cent of the total amount made available under subsection
13 (a) in each fiscal year may be used to pay administrative
14 costs of the Parent Collaboration.

15 **CHAPTER 4—FUNDING FOR UNITED**
16 **STATES COUNTER-DRUG ENFORCE-**
17 **MENT AGENCIES**

18 **Subchapter A—Border Activities**

19 **SEC. 2301. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) DRUG ENFORCEMENT AND OTHER NONCOMMER-
21 CIAL OPERATIONS.—Subparagraphs (A) and (B) of sec-
22 tion 301(b)(1) of the Customs Procedural Reform and
23 Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) are
24 amended to read as follows:

25 “(A) \$997,300,584 for fiscal year 2000.

1 “(B) \$1,100,818,328 for fiscal year
2 2001.”.

3 (b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii)
4 of section 301(b)(2)(A) of such Act (19 U.S.C.
5 2075(b)(2)(A)) are amended to read as follows:

6 “(i) \$990,030,000 for fiscal year 2000.

7 “(ii) \$1,009,312,000 for fiscal year
8 2001.”.

9 (c) AIR AND MARINE INTERDICTION.—Subpara-
10 graphs (A) and (B) of section 301(b)(3) of such Act (19
11 U.S.C. 2075(b)(3)) are amended to read as follows:

12 “(A) \$229,001,000 for fiscal year 2000.

13 “(B) \$176,967,000 for fiscal year 2001.”.

14 (d) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
15 TIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a))
16 is amended by adding at the end the following:

17 “(3) Not later than the date on which the President
18 submits to Congress the budget of the United States Gov-
19 ernment for a fiscal year, the Commissioner of Customs
20 shall submit to the Committee on Ways and Means of the
21 House of Representatives and the Committee on Finance
22 of the Senate the projected amount of funds for the suc-
23 ceeding fiscal year that will be necessary for the operations
24 of the Customs Service as provided for in subsection (b).”.

1 **SEC. 2302. CARGO INSPECTION AND NARCOTICS DETEC-**
2 **TION EQUIPMENT.**

3 (a) FISCAL YEAR 2000.—Of the amounts made avail-
4 able for fiscal year 2000 under section 301(b)(1)(A) of
5 the Customs Procedural Reform and Simplification Act of
6 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section
7 2301(a) of this Act, \$100,036,000 shall be available until
8 expended for acquisition and other expenses associated
9 with implementation and deployment of narcotics detec-
10 tion equipment along the United States-Mexico border, the
11 United States-Canada border, and Florida and the Gulf
12 Coast seaports, as follows:

13 (1) UNITED STATES-MEXICO BORDER.—For the
14 United States-Mexico border, the following:

15 (A) \$6,000,000 for 8 Vehicle and Con-
16 tainer Inspection Systems (VACIS).

17 (B) \$11,000,000 for 5 mobile truck x-rays
18 with transmission and backscatter imaging.

19 (C) \$12,000,000 for the upgrade of 8
20 fixed-site truck x-rays from the present energy
21 level of 450,000 electron volts to 1,000,000
22 electron volts (1-MeV).

23 (D) \$7,200,000 for 8 1-MeV pallet x-rays.

24 (E) \$1,000,000 for 200 portable contra-
25 band detectors (busters) to be distributed

1 among ports where the current allocations are
2 inadequate.

3 (F) \$600,000 for 50 contraband detection
4 kits to be distributed among all southwest bor-
5 der ports based on traffic volume.

6 (G) \$500,000 for 25 ultrasonic container
7 inspection units to be distributed among all
8 ports receiving liquid-filled cargo and to ports
9 with a hazardous material inspection facility.

10 (H) \$2,450,000 for 7 automated targeting
11 systems.

12 (I) \$360,000 for 30 rapid tire deflator sys-
13 tems to be distributed to those ports where port
14 runners are a threat.

15 (J) \$480,000 for 20 portable Treasury En-
16 forcement Communications Systems (TECS)
17 terminals to be moved among ports as needed.

18 (K) \$1,000,000 for 20 remote watch sur-
19 veillance camera systems at ports where there
20 are suspicious activities at loading docks, vehi-
21 cle queues, secondary inspection lanes, or areas
22 where visual surveillance or observation is ob-
23 scured.

1 (L) \$1,254,000 for 57 weigh-in-motion
2 sensors to be distributed among the ports with
3 the greatest volume of outbound traffic.

4 (M) \$180,000 for 36 AM traffic informa-
5 tion radio stations, with 1 station to be located
6 at each border crossing.

7 (N) \$1,040,000 for 260 inbound vehicle
8 counters to be installed at every inbound vehicle
9 lane.

10 (O) \$950,000 for 38 spotter camera sys-
11 tems to counter the surveillance of customs in-
12 spection activities by persons outside the bound-
13 aries of ports where such surveillance activities
14 are occurring.

15 (P) \$390,000 for 60 inbound commercial
16 truck transponders to be distributed to all ports
17 of entry.

18 (Q) \$1,600,000 for 40 narcotics vapor and
19 particle detectors to be distributed to each bor-
20 der crossing.

21 (R) \$400,000 for license plate reader auto-
22 matic targeting software to be installed at each
23 port to target inbound vehicles.

24 (S) \$1,000,000 for a demonstration site
25 for a high-energy relocatable rail car inspection

1 system with an x-ray source switchable from
2 2,000,000 electron volts (2–MeV) to 6,000,000
3 electron volts (6–MeV) at a shared Department
4 of Defense testing facility for a two-month test-
5 ing period.

6 (2) UNITED STATES-CANADA BORDER.—For the
7 United States-Canada border, the following:

8 (A) \$3,000,000 for 4 Vehicle and Con-
9 tainer Inspection Systems (VACIS).

10 (B) \$8,800,000 for 4 mobile truck x-rays
11 with transmission and backscatter imaging.

12 (C) \$3,600,000 for 4 1–MeV pallet x-rays.

13 (D) \$250,000 for 50 portable contraband
14 detectors (busters) to be distributed among
15 ports where the current allocations are inad-
16 equate.

17 (E) \$300,000 for 25 contraband detection
18 kits to be distributed among ports based on
19 traffic volume.

20 (F) \$240,000 for 10 portable Treasury
21 Enforcement Communications Systems (TECS)
22 terminals to be moved among ports as needed.

23 (G) \$400,000 for 10 narcotics vapor and
24 particle detectors to be distributed to each bor-
25 der crossing based on traffic volume.

1 (H) \$600,000 for 30 fiber optic scopes.

2 (I) \$250,000 for 50 portable contraband
3 detectors (busters) to be distributed among
4 ports where the current allocations are inad-
5 equate.

6 (J) \$3,000,000 for 10 x-ray vans with par-
7 ticle detectors.

8 (K) \$40,000 for 8 AM loop radio systems.

9 (L) \$400,000 for 100 vehicle counters.

10 (M) \$1,200,000 for 12 examination tool
11 trucks.

12 (N) \$2,400,000 for 3 dedicated commuter
13 lanes.

14 (O) \$1,050,000 for 3 automated targeting
15 systems.

16 (P) \$572,000 for 26 weigh-in-motion sen-
17 sors.

18 (Q) \$480,000 for 20 portable Treasury
19 Enforcement Communication Systems (TECS).

20 (3) FLORIDA AND GULF COAST SEAPORTS.—

21 For Florida and the Gulf Coast seaports, the fol-
22 lowing:

23 (A) \$4,500,000 for 6 Vehicle and Con-
24 tainer Inspection Systems (VACIS).

1 (B) \$11,800,000 for 5 mobile truck x-rays
2 with transmission and backscatter imaging.

3 (C) \$7,200,000 for 8 1-MeV pallet x-rays.

4 (D) \$250,000 for 50 portable contraband
5 detectors (busters) to be distributed among
6 ports where the current allocations are inad-
7 equate.

8 (E) \$300,000 for 25 contraband detection
9 kits to be distributed among ports based on
10 traffic volume.

11 (b) FISCAL YEAR 2001.—Of the amounts made avail-
12 able for fiscal year 2001 under section 301(b)(1)(B) of
13 the Customs Procedural Reform and Simplification Act of
14 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section
15 2301(a) of this Act, \$9,923,500 shall be for the mainte-
16 nance and support of the equipment and training of per-
17 sonnel to maintain and support the equipment described
18 in subsection (a).

19 (c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR
20 EQUIPMENT; TRANSFER OF FUNDS.—

21 (1) IN GENERAL.—The Commissioner of Cus-
22 toms may use amounts made available for fiscal year
23 2000 under section 301(b)(1)(A) of the Customs
24 Procedural Reform and Simplification Act of 1978
25 (19 U.S.C. 2075(b)(1)(A)), as amended by section

1 2301(a) of this Act, for the acquisition of equipment
 2 other than the equipment described in subsection (a)
 3 if such other equipment—

4 (A)(i) is technologically superior to the
 5 equipment described in subsection (a); and

6 (ii) will achieve at least the same results at
 7 a cost that is the same or less than the equip-
 8 ment described in subsection (a); or

9 (B) can be obtained at a lower cost than
 10 the equipment described in subsection (a).

11 (2) TRANSFER OF FUNDS.—Notwithstanding
 12 any other provision of this section, the Commissioner
 13 of Customs may reallocate an amount not to exceed
 14 10 percent of—

15 (A) the amount specified in any of sub-
 16 paragraphs (A) through (R) of subsection
 17 (a)(1) for equipment specified in any other of
 18 such subparagraphs (A) through (R);

19 (B) the amount specified in any of sub-
 20 paragraphs (A) through (Q) of subsection
 21 (a)(2) for equipment specified in any other of
 22 such subparagraphs (A) through (Q); and

23 (C) the amount specified in any of sub-
 24 paragraphs (A) through (E) of subsection

1 (a)(3) for equipment specified in any other of
2 such subparagraphs (A) through (E).

3 **SEC. 2303. PEAK HOURS AND INVESTIGATIVE RESOURCE**
4 **ENHANCEMENT.**

5 Of the amounts made available for fiscal years 2000
6 and 2001 under subparagraphs (A) and (B) of section
7 301(b)(1) of the Customs Procedural Reform and Sim-
8 plification Act of 1978 (19 U.S.C. 2075(b)(1)), as amend-
9 ed by section 2301(a) of this Act, \$159,557,000, including
10 \$5,673,600, until expended, for investigative equipment,
11 for fiscal year 2000 and \$220,351,000 for fiscal year 2001
12 shall be available for the following:

13 (1) A net increase of 535 inspectors, 120 spe-
14 cial agents, and 10 intelligence analysts for the
15 United States-Mexico border and 375 inspectors for
16 the United States-Canada border, in order to open
17 all primary lanes on such borders during peak hours
18 and enhance investigative resources.

19 (2) A net increase of 285 inspectors and canine
20 enforcement officers to be distributed at large cargo
21 facilities as needed to process and screen cargo (in-
22 cluding rail cargo) and reduce commercial waiting
23 times on the United States-Mexico border and a net
24 increase of 125 inspectors to be distributed at large
25 cargo facilities as needed to process and screen

1 cargo (including rail cargo) and reduce commercial
2 waiting times on the United States-Canada border.

3 (3) A net increase of 40 inspectors at sea ports
4 in southeast Florida to process and screen cargo.

5 (4) A net increase of 70 special agent positions,
6 23 intelligence analyst positions, 9 support staff,
7 and the necessary equipment to enhance investiga-
8 tion efforts targeted at internal conspiracies at the
9 Nation's seaports.

10 (5) A net increase of 360 special agents, 30 in-
11 telligence analysts, and additional resources to be
12 distributed among offices that have jurisdiction over
13 major metropolitan drug or narcotics distribution
14 and transportation centers for intensification of ef-
15 forts against drug smuggling and money laundering
16 organizations.

17 (6) A net increase of 2 special agent positions
18 to re-establish a Customs Attache office in Nassau.

19 (7) A net increase of 62 special agent positions
20 and 8 intelligence analyst positions for maritime
21 smuggling investigations and interdiction operations.

22 (8) A net increase of 50 positions and addi-
23 tional resources to the Office of Internal Affairs to
24 enhance investigative resources for anticorruption ef-
25 forts.

1 (9) The costs incurred as a result of the in-
2 crease in personnel hired pursuant to this section.

3 **SEC. 2304. AIR AND MARINE OPERATION AND MAINTENANCE FUNDING.**
4

5 (a) FISCAL YEAR 2000.—Of the amounts made avail-
6 able for fiscal year 2000 under subparagraphs (A) and
7 (B) of section 301(b)(3) of the Customs Procedural Re-
8 form and Simplification Act of 1978 (19 U.S.C.
9 2075(b)(3)) as amended by section 2301(c) of this Act,
10 \$130,513,000 shall be available until expended for the fol-
11 lowing:

12 (1) \$96,500,000 for Customs aircraft restora-
13 tion and replacement initiative.

14 (2) \$15,000,000 for increased air interdiction
15 and investigative support activities.

16 (3) \$19,013,000 for marine vessel replacement
17 and related equipment.

18 (b) FISCAL YEAR 2001.—Of the amounts made avail-
19 able for fiscal year 2001 under subparagraphs (A) and
20 (B) of section 301(b)(3) of the Customs Procedural Re-
21 form and Simplification Act of 1978 (19 U.S.C.
22 2075(b)(3)) as amended by section 2301(c) of this Act,
23 \$75,524,000 shall be available until expended for the fol-
24 lowing:

1 (1) \$36,500,000 for Customs Service aircraft
2 restoration and replacement.

3 (2) \$15,000,000 for increased air interdiction
4 and investigative support activities.

5 (3) \$24,024,000 for marine vessel replacement
6 and related equipment.

7 **SEC. 2305. COMPLIANCE WITH PERFORMANCE PLAN RE-**
8 **QUIREMENTS.**

9 As part of the annual performance plan for each of
10 the fiscal years 2000 and 2001 covering each program ac-
11 tivity set forth in the budget of the United States Customs
12 Service, as required under section 1115 of title 31, United
13 States Code, the Commissioner of Customs shall establish
14 performance goals and performance indicators, and com-
15 ply with all other requirements contained in paragraphs
16 (1) through (6) of subsection (a) of such section with re-
17 spect to each of the activities to be carried out pursuant
18 to sections 2302 and 2303 of this Act.

19 **SEC. 2306. COMMISSIONER OF CUSTOMS SALARY.**

20 (a) IN GENERAL.—

21 (1) Section 5315 of title 5, United States Code,
22 is amended by striking the following:

23 “Commissioner of Customs, Department of
24 Treasury.”.

1 (2) Section 5314 of title 5, United States Code,
2 is amended by inserting the following:

3 “Commissioner of Customs, Department of
4 Treasury.”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect on October 1, 1999.

7 **SEC. 2307. PASSENGER PRECLEARANCE SERVICES.**

8 (a) CONTINUATION OF PRECLEARANCE SERVICES.—
9 Notwithstanding section 13031(f) of the Consolidated
10 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
11 58c(f)) or any other provision of law, the United States
12 Customs Service shall, without regard to whether a pas-
13 senger processing fee is collected from a person departing
14 for the United States from Canada and without regard
15 to whether funds are appropriated pursuant to subsection
16 (b), provide the same level of enhanced preclearance cus-
17 toms services for passengers arriving in the United States
18 aboard commercial aircraft originating in Canada as the
19 Customs Service provided for such passengers during fis-
20 cal year 1997.

21 (b) AUTHORIZATION OF APPROPRIATIONS FOR
22 PRECLEARANCE SERVICES.—Notwithstanding section
23 13031(f) of the Consolidated Omnibus Budget Reconcili-
24 ation Act of 1985 (19 U.S.C. 58c(f)) or any other provi-
25 sion of law, there are authorized to be appropriated, from

1 the date of enactment of this Act through September 30,
 2 2001, such sums as may be necessary for the Customs
 3 Service to ensure that it will continue to provide the same,
 4 and where necessary increased, levels of enhanced
 5 preclearance customs services as the Customs Service pro-
 6 vided during fiscal year 1997, in connection with the ar-
 7 rival in the United States of passengers aboard commer-
 8 cial aircraft whose flights originated in Canada.

9 **Subchapter B—United States Coast Guard**

10 **SEC. 2311. ADDITIONAL FUNDING FOR OPERATION AND** 11 **MAINTENANCE.**

12 In addition to other amounts authorized to be appro-
 13 priated for the United States Coast Guard for fiscal years
 14 2000 and 2001, there is authorized to be appropriated for
 15 the Coast Guard for each of fiscal years 2000 and 2001,
 16 \$100,000,000 for operation and maintenance.

17 **Subchapter C—Drug Enforcement** 18 **Administration**

19 **SEC. 2321. ADDITIONAL FUNDING FOR COUNTER-** 20 **NARCOTICS AND INFORMATION SUPPORT OP-** 21 **ERATIONS.**

22 In addition to other amounts authorized to be appro-
 23 priated for the Drug Enforcement Administration for fis-
 24 cal year 2000, there is authorized to be appropriated for
 25 the Drug Enforcement Administration for that fiscal year,

1 \$120,000,000 for counternarcotics and information sup-
2 port operations.

3 **Subchapter D—Department of the Treasury**

4 **SEC. 2331. ADDITIONAL FUNDING FOR COUNTER-DRUG IN-**
5 **FORMATION SUPPORT.**

6 In addition to other amounts authorized to be appro-
7 priated for the Department of the Treasury for fiscal
8 years 2000 and 2001, there is authorized to be appro-
9 priated for the Department of the Treasury for each of
10 fiscal years 2001 and 2001, \$50,000,000 for counter-
11 narcotics, information support, and money laundering ef-
12 forts.

13 **Subchapter E—Department of Defense**

14 **SEC. 2341. ADDITIONAL FUNDING FOR EXPANSION OF**
15 **COUNTERNARCOTICS ACTIVITIES.**

16 In addition to other amounts authorized to be appro-
17 priated for the Department of Defense for fiscal years
18 2000 and 2001, there is authorized to be appropriated for
19 the Department of Defense for each of fiscal years 2000
20 and 2001, \$200,000,000 for expanded activities to stop
21 the flow of illegal drugs into the United States.

22 **SEC. 2342. FORWARD MILITARY BASE FOR COUNTER-**
23 **NARCOTICS MATTERS.**

24 (a) AUTHORIZATION TO CARRY OUT MILITARY CON-
25 STRUCTION PROJECTS.—The Secretary of the Air Force

1 may acquire real property and carry out military construc-
 2 tion projects in the amount of \$300,000,000 to establish
 3 an air base or air bases for use for support of counter-
 4 narcotics operations in the areas of the southern Carib-
 5 bean Sea, northern South America, and the eastern Pa-
 6 cific Ocean, to be located in Latin America or the area
 7 of the Caribbean Sea, or both.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 9 authorized to be appropriated such sums as may be nec-
 10 essary for fiscal year 2000, and any succeeding fiscal year,
 11 for military construction and land acquisition for an air-
 12 base referred to subsection (a).

13 **SEC. 2343. EXPANSION OF RADAR COVERAGE AND OPER-**
 14 **ATION IN SOURCE AND TRANSIT COUNTRIES.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
 16 authorized to be appropriated for the Department of De-
 17 fense for fiscal year 2000, \$100,000,000 for purposes of
 18 the procurement of a Relocatable Over the Horizon Radar
 19 (ROTHR) to be located in South America.

20 (b) AUTHORIZATION TO LOCATE.—The Relocatable
 21 Over the Horizon Radar procured using funds appro-
 22 priated pursuant to the authorization of appropriations in
 23 subsection (a) may be located at a location in South Amer-
 24 ica that is suitable for purposes of providing enhanced

1 radar coverage of narcotics source zone countries in South
2 America.

3 **SEC. 2344. SENSE OF CONGRESS REGARDING FUNDING**
4 **UNDER WESTERN HEMISPHERE DRUG ELIMI-**
5 **NATION ACT.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Teenage drug use in the United States has
9 doubled since 1993.

10 (2) The drug crisis facing the United States
11 poses a paramount threat to the national security in-
12 terests of the United States.

13 (3) The trans-shipment of illicit drugs through
14 United States borders cannot be halted without an
15 effective drug interdiction strategy.

16 (4) The Clinton Administration has placed a
17 low priority on efforts to reduce the supply of illicit
18 drugs, and the seizure of such drugs by the Coast
19 Guard and other Federal agencies has decreased, as
20 is evidenced by a 68 percent decrease between 1991
21 and 1996 in the pounds of cocaine seized by such
22 agencies.

23 (5) The Western Hemisphere Drug Elimination
24 Act was enacted into law on October 19, 1998.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the President should allocate funds appro-
4 priated for fiscal year 1999 pursuant to the author-
5 izations of appropriations for that fiscal year in the
6 Western Hemisphere Drug Elimination Act in order
7 to carry out fully the purposes of that Act during
8 that fiscal year; and

9 (2) the President should include with the budg-
10 ets for fiscal years 2001 and 2002 that are sub-
11 mitted to Congress under section 1105 of title 31,
12 United States Code, a request for funds for such fis-
13 cal years in accordance with the authorizations of
14 appropriations for such fiscal years in that Act.

15 **SEC. 2345. SENSE OF CONGRESS REGARDING PRIORITY OF**
16 **DRUG INTERDICTION AND COUNTERDRUG**
17 **ACTIVITIES OF THE DEPARTMENT OF DE-**
18 **FENSE.**

19 It is the sense of Congress that the Secretary of De-
20 fense should revise the Global Military Force Policy of the
21 Department of Defense in order—

22 (1) to treat the international drug interdiction
23 and counterdrug activities of the Department as a
24 military operation other than war, thereby elevating
25 the priority given such activities under the Policy to

1 the next priority below the priority given to war
 2 under the Policy and to the same priority given to
 3 peacekeeping operations under the Policy; and

4 (2) to allocate the assets of the Department to
 5 such activities in accordance with the priority given
 6 such activities under the revised Policy.

7 **CHAPTER 5—FAITH-BASED SUBSTANCE**
 8 **ABUSE TREATMENT**

9 **SEC. 2350. SHORT TITLE.**

10 This chapter may be cited as the “Faith-Based Drug
 11 Treatment Enhancement Act”.

12 **SEC. 2351. PREVENTION AND TREATMENT OF SUBSTANCE**
 13 **ABUSE; SERVICES PROVIDED THROUGH RELI-**
 14 **GIOUS ORGANIZATIONS.**

15 Title V of the Public Health Service Act (42 U.S.C.
 16 290aa et seq.) is amended by adding at the end the fol-
 17 lowing:

18 “PART G—SERVICES PROVIDED THROUGH RELIGIOUS
 19 ORGANIZATIONS

20 **“SEC. 581. APPLICABILITY TO DESIGNATED PROGRAMS.**

21 “(a) DESIGNATED PROGRAMS.—Subject to sub-
 22 section (b), this part applies to each program under this
 23 Act that makes awards of Federal financial assistance to
 24 public or private entities for the purpose of carrying out
 25 activities to prevent or treat substance abuse (in this part

1 referred to as a ‘designated program’). Designated pro-
 2 grams include the program under subpart II of part B
 3 of title XIX (relating to formula grants to the States).

4 “(b) LIMITATION.—This part does not apply to any
 5 award of Federal financial assistance under a designated
 6 program for a purpose other than the purpose specified
 7 in subsection (a).

8 “(c) DEFINITIONS.—For purposes of this part (and
 9 subject to subsection (b)):

10 “(1) DESIGNATED AWARD RECIPIENT.—The
 11 term ‘designated award recipient’ means a public or
 12 private entity that has received an award under a
 13 designated program (whether the award is a des-
 14 ignated direct award or a designated subaward).

15 “(2) DESIGNATED DIRECT AWARD.—The term
 16 ‘designated direct award’ means an award under a
 17 designated program that is received directly from
 18 the Federal Government.

19 “(3) DESIGNATED SUBAWARD.—The term ‘des-
 20 ignated subaward’ means an award of financial as-
 21 sistance made by a non-Federal entity, which award
 22 consists in whole or in part of Federal financial as-
 23 sistance provided through an award under a des-
 24 ignated program.

1 “(4) DESIGNATED PROGRAM.—The term ‘des-
2 ignated program’ has the meaning given such term
3 in subsection (a).

4 “(5) FINANCIAL ASSISTANCE.—The term ‘fi-
5 nancial assistance’ means a grant, cooperative agree-
6 ment, contract, or voucherized assistance.

7 “(6) PROGRAM BENEFICIARY.—The term ‘pro-
8 gram beneficiary’ means an individual who receives
9 program services.

10 “(7) PROGRAM PARTICIPANT.—The term ‘pro-
11 gram participant’ has the meaning given such term
12 in section 582(a)(2).

13 “(8) PROGRAM SERVICES.—The term ‘program
14 services’ means treatment for substance abuse, or
15 preventive services regarding such abuse, provided
16 pursuant to an award under a designated program.

17 “(9) RELIGIOUS ORGANIZATION.—The term ‘re-
18 ligious organization’ means a nonprofit religious or-
19 ganization.

20 “(10) VOUCHERIZED ASSISTANCE.—The term
21 ‘voucherized assistance’ means—

22 “(A) a system of selecting and reimbursing
23 program services in which—

1 “(i) the beneficiary is given a docu-
 2 ment or other authorization that may be
 3 used to pay for program services;

4 “(ii) the beneficiary chooses the orga-
 5 nization that will provide services to him or
 6 her according to rules specified by the des-
 7 ignated award recipient; and

8 “(iii) the organization selected by the
 9 beneficiary is reimbursed by the designated
 10 award recipient for program services pro-
 11 vided; or

12 “(B) any other mode of financial assist-
 13 ance to pay for program services in which the
 14 program beneficiary determines the allocation
 15 of program funds through his or her selection
 16 of one service provider from among alternatives.

17 **“SEC. 582. RELIGIOUS ORGANIZATIONS AS PROGRAM PAR-**
 18 **TICIPANTS.**

19 “(a) IN GENERAL.—

20 “(1) SCOPE OF AUTHORITY.—Notwithstanding
 21 any other provision of law, a religious
 22 organization—

23 “(A) may be a designated award recipient;

1 “(B) may make designated subawards to
 2 other public or nonprofit private entities (in-
 3 cluding other religious organizations);

4 “(C) may provide for the provision of pro-
 5 gram services to program beneficiaries through
 6 the use of voucherized assistance; and

7 “(D) may be a provider of services under
 8 a designated program, including a provider that
 9 accepts voucherized assistance.

10 “(2) DEFINITION OF PROGRAM PARTICIPANT.—

11 For purposes of this part, the term ‘program partici-
 12 pant’ means a public or private entity that has re-
 13 ceived a designated direct award, or a designated
 14 subaward, regardless of whether the entity provides
 15 program services. Such term includes an entity
 16 whose only participation in a designated program is
 17 to provide program services pursuant to the accept-
 18 ance of voucherized assistance.

19 “(b) RELIGIOUS ORGANIZATIONS.—The purpose of
 20 this section is to allow religious organizations to be pro-
 21 gram participants on the same basis as any other non-
 22 profit private provider without impairing the religious
 23 character of such organizations, and without diminishing
 24 the religious freedom of program beneficiaries.

1 “(c) NONDISCRIMINATION AGAINST RELIGIOUS OR-
2 GANIZATIONS.—

3 “(1) FINDINGS.—The Congress finds that the
4 establishment clause of the first amendment to the
5 Constitution of the United States does not require
6 that—

7 “(A) social-welfare programs discriminate
8 against faith-based providers of services; or

9 “(B) faith-based providers of services, as a
10 prerequisite to participation in Federal pro-
11 grams, abandon their religious character and
12 censor their religious expression.

13 “(2) NONDISCRIMINATION.—Religious organiza-
14 tions are eligible to be program participants on the
15 same basis as any other nonprofit private organiza-
16 tion. Neither the Federal Government nor a State
17 receiving funds under such programs shall discrimi-
18 nate against an organization that is or applies to be
19 a program participant on the basis that the organi-
20 zation has a religious character.

21 “(d) RELIGIOUS CHARACTER AND FREEDOM.—

22 “(1) RELIGIOUS ORGANIZATIONS.—Except as
23 provided in this section, any religious organization
24 that is a program participant shall retain its inde-
25 pendence from Federal, State, and local government,

1 including such organization's control over the defini-
 2 tion, development, practice, and expression of its re-
 3 ligious beliefs.

4 “(2) ADDITIONAL SAFEGUARDS.—Neither the
 5 Federal Government nor a State shall require a reli-
 6 gious organization to—

7 “(A) alter its form of internal governance;

8 or

9 “(B) remove religious art, icons, scripture,
 10 or other symbols;

11 in order to be a program participant.

12 “(e) NONDISCRIMINATION IN EMPLOYMENT.—

13 “(1) IN GENERAL.—Except as provided in para-
 14 graph (2), nothing in this section shall be construed
 15 to modify or affect the provisions of any other Fed-
 16 eral or State law or regulation that relates to dis-
 17 crimination in employment on the basis of religion.

18 “(2) EXCEPTION.—A religious organization
 19 that is a program participant may require that an
 20 employee rendering program services adhere to—

21 “(A) the religious beliefs and practices of
 22 such organization; and

23 “(B) any rules of the organization regard-
 24 ing the use of drugs or alcohol.

25 “(f) RIGHTS OF PROGRAM BENEFICIARIES.—

1 “(1) OBJECTIONS REGARDING RELIGIOUS OR-
2 GANIZATIONS.—With respect to an individual who is
3 a program beneficiary or a prospective program ben-
4 eficiary, if the individual objects to a program par-
5 ticipant on the basis that the participant is a reli-
6 gious organization, the following applies:

7 “(A) If the organization received a des-
8 ignated direct award, the organization shall ar-
9 range for the individual to receive program
10 services through an alternative entity.

11 “(B) If the organization received a des-
12 ignated subaward, the non-Federal entity that
13 made the subaward shall arrange for the indi-
14 vidual to receive the program services through
15 an alternative program participant.

16 “(C) If the organization is providing serv-
17 ices pursuant to voucherized assistance, the
18 designated award recipient that operates the
19 voucherized assistance program shall arrange
20 for the individual to receive the program serv-
21 ices through an alternative provider.

22 “(D) Arrangements under any of subpara-
23 graphs (A) through (C) with an alternative en-
24 tity shall provide for program services the mon-
25 etary value of which is not less than the mone-

tary value of the program services that the individual would have received from the religious organization involved.

“(2) NONDISCRIMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) or as otherwise provided in law, a religious organization that is a program participant shall not in providing program services discriminate against a program beneficiary on the basis of religion or religious belief.

“(B) LIMITATION.—A religious organization that is a program participant may require a program beneficiary who has elected in accordance with paragraph (1) to receive program services from such organization—

“(i) to actively participate in religious practice, worship, and instruction; and

“(ii) to follow rules of behavior devised by the organizations that are religious in content or origin.

“(g) FISCAL ACCOUNTABILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization that is a program participant shall be subject to the same regulations as other recipients of awards of Federal finan-

1 cial assistance to account, in accordance with gen-
2 erally accepted auditing principles, for the use of the
3 funds provided under such awards.

“(2) LIMITED AUDIT.—With respect to the award involved, if a religious organization that is a program participant maintains the Federal funds in a separate account from non-Federal funds, then only the Federal funds shall be subject to audit.

9 “(h) COMPLIANCE.—With respect to compliance with
10 this section by an agency, a religious organization may
11 obtain judicial review of agency action in accordance with
12 chapter 7 of title 5, United States Code.

13 "SEC. 583. LIMITATIONS ON USE OF FUNDS FOR CERTAIN
14 PURPOSES.

15 “(a) IN GENERAL.—Except as provided in subsection
16 (b), no funds provided directly to an entity under a des-
17 ignated program shall be expended for sectarian worship
18 or instruction.

19 “(b) EXCEPTION.—Subsection (a) shall not apply to
20 assistance provided to or on behalf of a program bene-
21 ficiary if the beneficiary may choose where such assistance
22 is redeemed or allocated.

1 **“SEC. 584. ADMINISTRATION OF PROGRAM AND TREAT-**
2 **MENT OF FUNDS.**

3 “(a) FUNDS NOT AID TO INSTITUTIONS.—Financial
4 assistance under a designated program provided to or on
5 behalf of program beneficiaries is aid to the beneficiary,
6 not to the organization providing program services. The
7 receipt by a program beneficiary of program services at
8 the facilities of the organization shall not constitute Fed-
9 eral financial assistance to the organization involved.

10 “(b) PROHIBITION ON STATE DISCRIMINATION IN
11 USE OF FUNDS.—No provision in any State constitution
12 or State law shall be construed to prohibit the expenditure
13 of Federal funds under a designated program in a reli-
14 gious facility or by a religious organization that is a pro-
15 gram participant. If a State law or constitution would pre-
16 vent the expenditure of State or local public funds in such
17 a facility or by such an organization, then the State or
18 local government shall segregate the Federal funds from
19 State or other public funds for purposes of carrying out
20 the designated program.

21 **“SEC. 585. EDUCATIONAL REQUIREMENTS FOR PERSONNEL**
22 **IN DRUG TREATMENT PROGRAMS.**

23 “(a) FINDINGS.—The Congress finds that—

24 “(1) establishing formal educational qualifica-
25 tion for counselors and other personnel in drug

1 treatment programs may undermine the effective-
 2 ness of such programs; and

3 “(2) such formal educational requirements for
 4 counselors and other personnel may hinder or pre-
 5 vent the provision of needed drug treatment services.

6 “(b) LIMITATION ON EDUCATIONAL REQUIREMENTS
 7 OF PERSONNEL.—

8 “(1) TREATMENT OF RELIGIOUS EDUCATION.—

9 If any State or local government that is a program
 10 participant imposes formal educational qualifications
 11 on providers of program services, including religious
 12 organizations, such State or local government shall
 13 treat religious education and training of personnel
 14 as having a critical and positive role in the delivery
 15 of program services. In applying educational quali-
 16 fications for personnel in religious organizations,
 17 such State or local government shall give credit for
 18 religious education and training equivalent to credit
 19 given for secular course work in drug treatment or
 20 any other secular subject that is of similar grade
 21 level and duration.

22 “(2) RESTRICTION OF DISCRIMINATION RE-
 23 QUIREMENTS.—

24 “(A) IN GENERAL.—Subject to paragraph
 25 (1), a State or local government that is a pro-

1 gram participant may establish formal edu-
2 cational qualifications for personnel in organiza-
3 tions providing program services that contribute
4 to success in reducing drug use among program
5 beneficiaries.

6 “(B) EXCEPTION.—The Secretary shall
7 waive the application of any educational quali-
8 fication imposed under subparagraph (A) for an
9 individual religious organization, if the Sec-
10 retary determines that—

11 “(i) the religious organization has a
12 record of prior successful drug treatment
13 for at least the preceding 3 years;

14 “(ii) the educational qualifications
15 have effectively barred such religious orga-
16 nization from becoming a program pro-
17 vider;

18 “(iii) the organization has applied to
19 the Secretary to waive the qualifications;
20 and

21 “(iv) the State or local government
22 has failed to demonstrate empirically that
23 the educational qualifications in question
24 are necessary to the successful operation of
25 a drug treatment program.”.

**CHAPTER 6—METHAMPHETAMINE
LABORATORIES**

SEC. 2361. SHORT TITLE.

This chapter may be cited as the “Determined and Full Engagement Against the Threat of Methamphetamine” or “DEFEAT Meth” Act of 1999.

SEC. 2362. ENHANCED PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission

1 shall, with respect to each offense described in para-
2 graph (1)—

3 (A) increase the base offense level for the
4 offense so that the base offense level is the
5 same as the base offense level applicable to an
6 identical amount of cocaine base; or

7 (B) if the offense created a substantial risk
8 of danger to the health and safety of another
9 person (including any Federal, State, or local
10 law enforcement officer lawfully present at the
11 location of the offense), increase the base of-
12 fense level for the offense by not less than 3 of-
13 fense levels above the level established under
14 subparagraph (A).

15 (3) EMERGENCY AUTHORITY TO SENTENCING
16 COMMISSION.—The United States Sentencing Com-
17 mission shall promulgate amendments pursuant to
18 this subsection as soon as practicable after the date
19 of enactment of this Act in accordance with the pro-
20 cedure set forth in section 21(a) of the Sentencing
21 Act of 1987 (Public Law 100–182), as though the
22 authority under that Act had not expired.

23 (b) EFFECTIVE DATE.—The amendments made pur-
24 suant to this section shall apply with respect to any of-

1 fense occurring on or after the date that is 60 days after
2 the date of enactment of this Act.

3 **SEC. 2363. INCREASED RESOURCES FOR LAW ENFORCE-**
4 **MENT.**

5 (a) AUTHORIZATION OF DEA FUNDS TO COMBAT
6 METHAMPHETAMINES.—

7 (1) PURPOSE.—From amounts made available
8 to carry out this subsection, the Administrator of
9 the Drug Enforcement Administration shall imple-
10 ment a comprehensive approach for targeting and
11 investigating methamphetamine production, traf-
12 ficking, and abuse to combat the trafficking of meth-
13 amphetamine in areas designated by the Director of
14 National Drug Control Policy as high intensity drug
15 trafficking areas, which approach shall include—

16 (A) training local law enforcement agents
17 in the detection and destruction of clandestine
18 methamphetamine laboratories, and the pros-
19 ecution of any offense relating to the manufac-
20 ture, attempt to manufacture, or conspiracy to
21 manufacture methamphetamine in violation of
22 the Controlled Substances Act (21 U.S.C. 801
23 et seq.), the Controlled Substances Import and
24 Export Act (21 U.S.C. 951 et seq.), the Mari-

time Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), or applicable State law;

(B) investigating and assisting in the prosecution of methamphetamine traffickers, establishing a national clandestine laboratory computer database, reducing the availability of precursor chemicals being diverted to clandestine laboratories in the United States and abroad, and cleaning up the hazardous waste generated by seized clandestine laboratories; and

(C) allocating agents to States with the highest rates of clandestine laboratory closures during the most recent 5 fiscal years.

(2) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this subsection—

(A) \$30,000,000 for fiscal year 2000; and

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

(b) HIGH INTENSITY DRUG TRAFFICKING AREAS.—

(1) IN GENERAL.—From amounts made available to carry out this subsection, the Director of National Drug Control Policy shall combat the trafficking of methamphetamine in areas designated by the Director of National Drug Control Policy as

1 high intensity drug trafficking areas, including the
2 hiring of new laboratory technicians in rural commu-
3 nities.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated to carry out
6 this subsection—

7 (A) \$25,000,000 for fiscal year 2000; and

8 (B) such sums as may be necessary for
9 each of fiscal years 2001 through 2004.

10 (c) EXPANDING METHAMPHETAMINE ABUSE PRE-
11 VENTION EFFORTS.—

12 (1) PREVENTION PROGRAMS AND ACTIVITIES.—

13 (A) IN GENERAL.—From amounts made
14 available to carry out this subsection, the Direc-
15 tor of National Drug Control Policy shall—

16 (i) carry out community-based preven-
17 tion programs that are focused on those
18 populations within the community that are
19 most at-risk for methamphetamine abuse
20 and addiction;

21 (ii) assist local government entities to
22 conduct appropriate methamphetamine
23 prevention activities;

24 (iii) train and educate State and local
25 law enforcement officials on the signs of

1 methamphetamine abuse and addiction and
2 the options for treatment and prevention;

3 (iv) carry out planning, administra-
4 tion, and educational activities related to
5 the prevention of methamphetamine abuse
6 and addiction;

7 (v) monitor and evaluate methamphet-
8 amine prevention activities, and report and
9 disseminate resulting information to the
10 public; and

11 (vi) carry out targeted pilot programs
12 with evaluation components to encourage
13 innovation and experimentation with new
14 methodologies.

15 (B) PRIORITY.—In carrying out this para-
16 graph, the Director of National Drug Control
17 Policy shall give priority to assisting rural and
18 urban areas that are experiencing a high rate
19 or rapid increases in methamphetamine abuse
20 and addiction.

21 (C) ANALYSES AND EVALUATION.—

22 (i) IN GENERAL.—Of the amount
23 made available to carry out this subsection
24 in each fiscal year, not less than \$500,000
25 shall be used by the Director of National

1 Drug Control Policy, in consultation with
2 the heads of other departments and agen-
3 cies of the Federal Government—

4 (I) to support and conduct peri-
5 odic analyses and evaluations of effec-
6 tive prevention programs for meth-
7 amphetamine abuse and addiction;
8 and

9 (II) for the development of ap-
10 propriate strategies for disseminating
11 information about and implementing
12 those programs.

13 (ii) ANNUAL REPORTS.—The Director
14 shall annually submit to Congress a report
15 on results of the analyses and evaluations
16 under clause (i) during the preceding 12-
17 month period.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—

19 There are authorized to be appropriated to carry out
20 this subsection—

21 (A) \$25,000,000 for fiscal year 2000; and

22 (B) such sums as may be necessary for
23 each of fiscal years 2001 through 2004.

1 **SEC. 2364. METHAMPHETAMINE PARAPHERNALIA.**

2 Section 422(d) of the Controlled Substances Act (21
3 U.S.C. 863(d)) is amended by inserting
4 “methamphetamines,” after “PCP,”.

5 **SEC. 2365. MANDATORY RESTITUTION.**

6 Section 413(q) of the Controlled Substances Act (21
7 U.S.C. 853(q)) is amended by striking “may” and insert-
8 ing “shall”.

9 **SEC. 2366. SENSE OF CONGRESS REGARDING METH-**
10 **AMPHETAMINE LABORATORY CLEANUP.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Methamphetamine use is increasing.

14 (2) The production of methamphetamine is in-
15 creasingly taking place in laboratories located in
16 rural and urban areas.

17 (3) This production involves dangerous and ex-
18 plosive chemicals that are dumped in an unsafe
19 manner.

20 (4) The cost of cleaning up these production
21 sites involves major financial burdens on State and
22 local law enforcement agencies.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

25 (1) the Administrator of the Drug Enforcement
26 Administration should develop a comprehensive plan

1 for addressing the need for the speedy and safe
2 clean up of methamphetamine laboratory sites; and
3 (2) the Federal Government should allocate suf-
4 ficient funding to pay for a comprehensive effort to
5 clean up methamphetamine laboratory sites.

6 **CHAPTER 7—DOCTOR PRESCRIPTIONS OF**
7 **SCHEDULE I SUBSTANCES**

8 **SEC. 2371. RESTRICTIONS ON DOCTORS PRESCRIBING**
9 **SCHEDULE I SUBSTANCES.**

10 (a) IN GENERAL.—Not later than 45 days after the
11 date of enactment of this Act, the Secretary of Health and
12 Human Services shall promulgate regulations that require
13 any and all hospitals or health care service providers who
14 receive Federal medicare or medicaid payments based
15 upon appropriate compliance certification, as an additional
16 certification requirement, to certify that no physician or
17 other health care professional who has privileges with such
18 hospital or health care service provider, or is otherwise em-
19 ployed by them, is currently, or will in the future, pre-
20 scribe or otherwise recommend a schedule I substance to
21 any person.

22 (b) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the Secretary of Health and
24 Human Services shall report to Congress the number and

1 names of institutions refusing or otherwise failing to fulfill
 2 certification requirement of subsection (a).

3 (c) REVOCATION OF CERTIFICATION.—The Attorney
 4 General shall promulgate regulations to revoke the DEA
 5 registration of any physician or other health care provider
 6 who recommends or prescribes a schedule I controlled sub-
 7 stance.

8 **Subtitle B—Drug Treatment**

9 **SEC. 2401. COORDINATED JUVENILE SERVICES GRANTS.**

10 Title II of the Juvenile Justice and Delinquency Pre-
 11 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
 12 by inserting after section 205 the following:

13 **“SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.**

14 “(a) IN GENERAL.—The Attorney General and the
 15 Secretary of Health and Human Services shall make
 16 grants to a consortium within a State of State or local
 17 juvenile justice agencies, State or local substance abuse
 18 and mental health agencies, and child service agencies to
 19 coordinate the delivery of services to children among these
 20 agencies.

21 “(b) USE OF FUNDS.—A consortium described in
 22 subsection (a) that receives a grant under this section
 23 shall use the grant for the establishment and implementa-
 24 tion of programs that address the service needs of juve-
 25 niles with substance abuse and treatment problems who

1 come into contact with the justice system by requiring the
2 following:

3 “(1) Collaboration across child serving systems,
4 including juvenile justice agencies, relevant sub-
5 stance abuse and mental health treatment providers,
6 and State or local educational entities and welfare
7 agencies.

8 “(2) Appropriate screening and assessment of
9 juveniles.

10 “(3) Individual treatment plans.

11 “(4) Significant involvement of juvenile judges
12 where possible.

13 “(c) APPLICATION FOR COORDINATED JUVENILE
14 SERVICES GRANT.—

15 “(1) IN GENERAL.—A consortium described in
16 subsection (a) desiring to receive a grant under this
17 section shall submit an application containing such
18 information as the Administrator may prescribe.

19 “(2) CONTENTS.—In addition to guidelines es-
20 tablished by the Administrator, each application sub-
21 mitted under paragraph (1) shall provide—

22 “(A) certification that there has been ap-
23 propriate consultation with all affected agencies
24 and that there will be appropriate coordination

1 with all affected agencies in the implementation
2 of the program;

3 “(B) for the regular evaluation of the pro-
4 gram funded by the grant and describe the
5 methodology that will be used in evaluating the
6 program;

7 “(C) assurances that the proposed pro-
8 gram or activity will not supplant similar pro-
9 grams and activities currently available in the
10 community; and

11 “(D) specify plans for obtaining necessary
12 support and continuing the proposed program
13 following the conclusion of Federal support.

14 “(3) FEDERAL SHARE.—The Federal share of a
15 grant under this section shall not exceed 75 percent
16 of the cost of the program.

17 “(d) REPORT.—Each recipient of a grant under this
18 section during a fiscal year shall submit to the Attorney
19 General a report regarding the effectiveness of programs
20 established with the grant on the date specified by the At-
21 torney General.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 shall be made available from the Violent Crime Reduction
24 Trust Fund for each of fiscal years 2000 through 2004,
25 \$50,000,000 to carry out this section.”.

1 **SEC. 2402. JAIL-BASED SUBSTANCE ABUSE TREATMENT**
 2 **PROGRAMS.**

3 (a) USE OF RESIDENTIAL SUBSTANCE ABUSE
 4 TREATMENT GRANTS TO PROVIDE AFTERCARE SERV-
 5 ICES.—Section 1902 of part S of title I of the Omnibus
 6 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 7 3796ff–1) is amended by adding at the end the following:
 8 “(f) USE OF GRANT AMOUNTS FOR NONRESIDEN-
 9 TIAL AFTERCARE SERVICES.—A State may use amounts
 10 received under this part to provide nonresidential sub-
 11 stance abuse treatment aftercare services for inmates or
 12 former inmates that meet the requirements of subsection
 13 (c), if the chief executive officer of the State certifies to
 14 the Attorney General that the State is providing, and will
 15 continue to provide, an adequate level of residential treat-
 16 ment services.”.

17 (b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—
 18 Part S of title I of the Omnibus Crime Control and Safe
 19 Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended
 20 by adding at the end the following:

21 **“SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) The term ‘jail-based substance abuse
 24 treatment program’ means a course of individual
 25 and group activities, lasting for a period of not less
 26 than 3 months, in an area of a correctional facility

1 set apart from the general population of the correc-
2 tional facility, if those activities are—

3 “(A) directed at the substance abuse prob-
4 lems of prisoners; and

5 “(B) intended to develop the cognitive, be-
6 havioral, social, vocational, and other skills of
7 prisoners in order to address the substance
8 abuse and related problems of prisoners.

9 “(2) The term ‘local correctional facility’ means
10 any correctional facility operated by a unit of local
11 government.

12 “(b) AUTHORIZATION.—

13 “(1) IN GENERAL.—Not less than 10 percent of
14 the total amount made available to a State under
15 section 1904(a) for any fiscal year may be used by
16 the State to make grants to local correctional facili-
17 ties in the State for the purpose of assisting jail-
18 based substance abuse treatment programs estab-
19 lished by those local correctional facilities.

20 “(2) FEDERAL SHARE.—The Federal share of a
21 grant made by a State under this section to a local
22 correctional facility may not exceed 75 percent of
23 the total cost of the jail-based substance abuse treat-
24 ment program described in the application submitted

1 under subsection (c) for the fiscal year for which the
2 program receives assistance under this section.

3 “(c) APPLICATIONS.—

4 “(1) IN GENERAL.—To be eligible to receive a
5 grant from a State under this section for a jail-
6 based substance abuse treatment program, the chief
7 executive of a local correctional facility shall submit
8 to the State, in such form and containing such infor-
9 mation as the State may reasonably require, an ap-
10 plication that meets the requirements of paragraph
11 (2).

12 “(2) APPLICATION REQUIREMENTS.—Each ap-
13 plication submitted under paragraph (1) shall
14 include—

15 “(A) with respect to the jail-based sub-
16 stance abuse treatment program for which as-
17 sistance is sought, a description of the program
18 and a written certification that the local correc-
19 tional facility will—

20 “(i) coordinate the design and imple-
21 mentation of the program between local
22 correctional facility representatives and the
23 appropriate State and local alcohol and
24 substance abuse agencies;

1 “(ii) implement (or continue to re-
2 quire) urinalysis or other proven reliable
3 forms of substance abuse testing of indi-
4 viduals participating in the program, in-
5 cluding the testing of individuals released
6 from the jail-based substance abuse treat-
7 ment program who remain in the custody
8 of the local correctional facility; and

9 “(iii) carry out the program in accord-
10 ance with guidelines, which shall be estab-
11 lished by the State, in order to guarantee
12 each participant in the program access to
13 consistent, continual care if transferred to
14 a different local correctional facility within
15 the State;

16 “(B) written assurances that Federal
17 funds received by the local correctional facility
18 from the State under this section will be used
19 to supplement, and not to supplant, non-Fed-
20 eral funds that would otherwise be available for
21 jail-based substance abuse treatment programs
22 assisted with amounts made available to the
23 local correctional facility under this section; and

24 “(C) a description of the manner in which
25 amounts received by the local correctional facil-

ity from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

“(d) REVIEW OF APPLICATIONS.—

“(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

“(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

“(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

“(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

“(A) approve the application, disapprove the application, or request a continued evalua-

tion of the application for an additional period
of 90 days; and

“(B) notify the applicant of the action
taken under subparagraph (A) and, with re-
spect to any denial of an application under sub-
paragraph (A), afford the applicant an oppor-
tunity for reconsideration.

“(3) ELIGIBILITY FOR PREFERENCE WITH
AFTERCARE COMPONENT.—

“(A) IN GENERAL.—In making grants
under this section, a State shall give preference
to applications from local correctional facilities
that ensure that each participant in the jail-
based substance abuse treatment program for
which a grant under this section is sought, is
required to participate in an aftercare services
program that meets the requirements of sub-
paragraph (B), for a period of not less than 1
year following the earlier of—

“(i) the date on which the participant
completes the jail-based substance abuse
treatment program; or

“(ii) the date on which the participant
is released from the correctional facility at

1 the end of the participant's sentence or is
2 released on parole.

3 “(B) AFTERCARE SERVICES PROGRAM RE-
4 QUIREMENTS.—For purposes of subparagraph
5 (A), an aftercare services program meets the re-
6 quirements of this paragraph if the program—

7 “(i) in selecting individuals for par-
8 ticipation in the program, gives priority to
9 individuals who have completed a jail-based
10 substance abuse treatment program;

11 “(ii) requires each participant in the
12 program to submit to periodic substance
13 abuse testing; and

14 “(iii) involves the coordination be-
15 tween the jail-based substance abuse treat-
16 ment program and other human service
17 and rehabilitation programs that may as-
18 sist in the rehabilitation of program par-
19 ticipants, such as—

20 “(I) educational and job training
21 programs;

22 “(II) parole supervision pro-
23 grams;

24 “(III) half-way house programs;
25 and

1 “(IV) participation in self-help
2 and peer group programs; and

3 “(iv) assists in placing jail-based sub-
4 stance abuse treatment program partici-
5 pants with appropriate community sub-
6 stance abuse treatment facilities upon re-
7 lease from the correctional facility at the
8 end of a sentence or on parole.

9 “(e) COORDINATION AND CONSULTATION.—

10 “(1) COORDINATION.—Each State that makes
11 1 or more grants under this section in any fiscal
12 year shall, to the maximum extent practicable, im-
13 plement a statewide communications network with
14 the capacity to track the participants in jail-based
15 substance abuse treatment programs established by
16 local correctional facilities in the State as those par-
17 ticipants move between local correctional facilities
18 within the State.

19 “(2) CONSULTATION.—Each State described in
20 paragraph (1) shall consult with the Attorney Gen-
21 eral and the Secretary of Health and Human Serv-
22 ices to ensure that each jail-based substance abuse
23 treatment program assisted with a grant made by
24 the State under this section incorporates applicable

1 components of comprehensive approaches, including
2 relapse prevention and aftercare services.

3 “(f) USE OF GRANT AMOUNTS.—

4 “(1) IN GENERAL.—Each local correctional fa-
5 cility that receives a grant under this section shall
6 use the grant amount solely for the purpose of car-
7 rying out the jail-based substance abuse treatment
8 program described in the application submitted
9 under subsection (c).

10 “(2) ADMINISTRATION.—Each local correctional
11 facility that receives a grant under this section shall
12 carry out all activities relating to the administration
13 of the grant amount, including reviewing the manner
14 in which the amount is expended, processing, moni-
15 toring the progress of the program assisted, finan-
16 cial reporting, technical assistance, grant adjust-
17 ments, accounting, auditing, and fund disbursement.

18 “(3) RESTRICTION.—A local correctional facil-
19 ity may not use any amount of a grant under this
20 section for land acquisition or a construction project.

21 “(g) REPORTING REQUIREMENT; PERFORMANCE RE-
22 VIEW.—

23 “(1) REPORTING REQUIREMENT.—Not later
24 than March 1 each year, each local correctional facil-
25 ity that receives a grant under this section shall sub-

1 mit to the Attorney General, through the State, a
 2 description and evaluation of the jail-based sub-
 3 stance abuse treatment program carried out by the
 4 local correctional facility with the grant amount, in
 5 such form and containing such information as the
 6 Attorney General may reasonably require.

7 “(2) PERFORMANCE REVIEW.—The Attorney
 8 General shall conduct an annual review of each jail-
 9 based substance abuse treatment program assisted
 10 under this section, in order to verify the compliance
 11 of local correctional facilities with the requirements
 12 of this section.

13 “(h) NO EFFECT ON STATE ALLOCATION.—Nothing
 14 in this section shall be construed to affect the allocation
 15 of amounts to States under section 1904(a).”.

16 (c) ELIGIBILITY FOR SUBSTANCE ABUSE TREAT-
 17 MENT.—Part S of title I of the Omnibus Crime Control
 18 and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.),
 19 as amended by subsection (b), is further amended by add-
 20 ing at the end the following:

21 **“SEC. 1907. DEFINITIONS.**

22 “In this part:

23 “(1) The term ‘inmate’ means an adult or a ju-
 24 venile who is incarcerated or detained in any State
 25 or local correctional facility.

1 “(2) The term ‘correctional facility’ includes a
 2 secure detention facility and a secure correctional fa-
 3 cility (as those terms are defined in section 103 of
 4 the Juvenile Justice and Delinquency Prevention Act
 5 of 1974 (42 U.S.C. 5603)).”.

6 (d) CLERICAL AMENDMENT.—The table of contents
 7 for title I of the Omnibus Crime Control and Safe Streets
 8 Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the
 9 matter relating to part S by adding at the end the fol-
 10 lowing:

 “1906. Jail-based substance abuse treatment.
 “1907. Definitions.”.

11 **SEC. 2403. JUVENILE SUBSTANCE ABUSE COURTS.**

12 (a) GRANT AUTHORITY.—Title I of the Omnibus
 13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 14 3711 et seq.) is amended by adding at the end the fol-
 15 lowing:

16 **“PART AA—JUVENILE SUBSTANCE ABUSE**
 17 **COURTS**

18 **“SEC. 2701. DEFINITIONS.**

19 “In this part:

20 “(1) The term ‘violent juvenile offender’ means
 21 a juvenile who has been convicted of a violent of-
 22 fense or adjudicated delinquent for an act that, if
 23 committed by an adult, would constitute a violent of-
 24 fense.

1 “(2) The term ‘violent offense’ means a crimi-
2 nal offense during the course of which—

3 “(A) the individual carried, possessed, or
4 used a firearm or dangerous weapon;

5 “(B) the death of or serious bodily injury
6 of another person occurred as a direct result of
7 the commission of such offense; or

8 “(C) the individual used force against the
9 person of another.

10 **“SEC. 2702. GRANT AUTHORITY.**

11 “(a) APPROPRIATE SUBSTANCE ABUSE COURT PRO-
12 GRAMS.—The Attorney General may make grants to
13 States, State courts, local courts, units of local govern-
14 ment, and Indian tribes in accordance with this part to
15 establish programs that—

16 “(1) continue judicial supervision over juvenile
17 offenders (other than violent juvenile offenders) with
18 substance abuse problems; and

19 “(2) integrate administration of other sanctions
20 and services, which include—

21 “(A) mandatory periodic testing for the
22 use of controlled substances or other addictive
23 substances during any period of supervised re-
24 lease or probation for each participant;

1 “(B) substance abuse treatment for each
2 participant;

3 “(C) probation, diversion, or other super-
4 vised release involving the possibility of prosecu-
5 tion, confinement, or incarceration based on
6 noncompliance with program requirements or
7 failure to show satisfactory progress;

8 “(D) programmatic, offender management,
9 and aftercare services such as relapse preven-
10 tion, health care, education, vocational training,
11 job placement, housing placement, and child
12 care or other family support service for each
13 participant who requires such services;

14 “(E) payment by the offender of treatment
15 costs, to the extent practicable, such as costs
16 for urinalysis or counseling; and

17 “(F) payment by the offender of restitu-
18 tion, to the extent practicable, to either a victim
19 of the offender’s offense or to a restitution or
20 similar victim support fund.

21 “(b) USE OF GRANTS FOR NECESSARY SUPPORT
22 PROGRAMS.—A recipient of a grant under this part may
23 use the grant to pay for treatment, counseling, and other
24 related and necessary expenses not covered by other Fed-

1 eral, State, Indian tribal, and local sources of funding that
 2 would otherwise be available.

3 “(c) CONTINUED AVAILABILITY OF GRANT FUNDS.—
 4 Amounts made available under this part shall remain
 5 available until expended.

6 **“SEC. 2703. APPLICATIONS.**

7 “(a) IN GENERAL.—In order to receive a grant under
 8 this part, the chief executive or the chief justice of a State,
 9 or the chief executive or chief judge of a unit of local gov-
 10 ernment or Indian tribe shall submit an application to the
 11 Attorney General in such form and containing such infor-
 12 mation as the Attorney General may reasonably require.

13 “(b) CONTENTS.—In addition to any other require-
 14 ments that may be specified by the Attorney General, each
 15 application for a grant under this part shall—

16 “(1) include a long-term strategy and detailed
 17 implementation plan;

18 “(2) explain the applicant’s need for Federal
 19 assistance;

20 “(3) certify that the Federal support provided
 21 will be used to supplement, and not supplant, State,
 22 Indian tribal, and local sources of funding that
 23 would otherwise be available;

1 “(4) identify related governmental or commu-
2 nity initiatives which complement or will be coordi-
3 nated with the proposal;

4 “(5) certify that there has been appropriate
5 consultation with all affected agencies and that there
6 will be appropriate coordination with all affected
7 agencies in the implementation of the program;

8 “(6) certify that participating offenders will be
9 supervised by one or more designated judges with re-
10 sponsibility for the substance abuse court program;

11 “(7) specify plans for obtaining necessary sup-
12 port and continuing the proposed program following
13 the conclusion of Federal support; and

14 “(8) describe the methodology that will be used
15 in evaluating the program.

16 **“SEC. 2704. FEDERAL SHARE.**

17 “(a) IN GENERAL.—The Federal share of a grant
18 made under this part may not exceed 90 percent of the
19 total costs of the program described in the application sub-
20 mitted under section 2703 for the fiscal year for which
21 the program receives assistance under this part.

22 “(b) WAIVER.—The Attorney General may waive, in
23 whole or in part, the requirement of a matching contribu-
24 tion under subsection (a).

1 “(c) IN-KIND CONTRIBUTIONS.—In-kind contribu-
2 tions may constitute a portion of the non-Federal share
3 of a grant under this part.

4 **“SEC. 2705. REPORT.**

5 “Each recipient of a grant under this part during a
6 fiscal year shall submit to the Attorney General a report
7 regarding the effectiveness of programs established with
8 the grant on the date specified by the Attorney General.

9 **“SEC. 2706. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
10 **UATION.**

11 “(a) TECHNICAL ASSISTANCE AND TRAINING.—The
12 Attorney General may provide technical assistance and
13 training in furtherance of the purposes of this part.

14 “(b) EVALUATIONS.—In addition to any evaluation
15 requirement that may be prescribed for recipients of
16 grants under this part, the Attorney General may carry
17 out or make arrangements for evaluations of programs
18 that receive assistance under this part.

19 “(c) ADMINISTRATION.—The technical assistance,
20 training, and evaluations authorized by this section may
21 be carried out directly by the Attorney General, in collabo-
22 ration with the Secretary of Health and Human Services,
23 or through grants, contracts, or other cooperative arrange-
24 ments with other entities.

1 **“SEC. 2707. REGULATIONS.**

2 The Attorney General shall issue any regulations and
3 guidelines necessary to carry out this part, which shall en-
4 sure that the programs funded with grants under this part
5 do not permit participation by violent juvenile offenders.

6 **“SEC. 2708. AUTHORIZATION OF APPROPRIATIONS.**

7 “There is authorized to be appropriated for each of
8 fiscal years 2000 through 2005, \$50,000,000 to carry out
9 this part.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 for title I of the Omnibus Crime Control and Safe Streets
12 Act of 1968 (42 U.S.C. 3711 et seq.) is amended by add-
13 ing at the end the following:

“PART AA—JUVENILE SUBSTANCE ABUSE COURTS

“Sec. 2701. Definitions.

“Sec. 2702. Grant authority.

“Sec. 2703. Applications.

“Sec. 2704. Federal share.

“Sec. 2705. Report.

“Sec. 2706. Technical assistance, training, and evaluation.

“Sec. 2707. Regulations.

“Sec. 2708. Authorization of appropriations.”.

14 **Subtitle C—Gangs and Domestic**
15 **Terrorism**

16 **CHAPTER 1—JUVENILE GANGS**

17 **SEC. 2501. SOLICITATION OR RECRUITMENT OF PERSONS**
18 **IN CRIMINAL STREET GANG ACTIVITY.**

19 (a) PROHIBITED ACTS.—Chapter 26 of title 18,
20 United States Code, is amended by adding at the end the
21 following:

1 **“§ 522. Recruitment of persons to participate in**
 2 **criminal street gang activity**

3 “(a) PROHIBITED ACT.—It shall be unlawful for any
 4 person to use any facility in, or travel in, interstate or
 5 foreign commerce, or cause another to do so, to recruit,
 6 solicit, induce, command, or cause another person to be
 7 or to remain as a member of a criminal street gang, or
 8 conspire to do so.

9 “(b) PENALTIES.—Any person who violates sub-
 10 section (a) shall—

11 “(1) if the person recruited, solicited, induced,
 12 commanded, or caused—

13 “(A) is a minor, be imprisoned not less
 14 than 4 years and not more than 10 years, fined
 15 in accordance with this title, or both; or

16 “(B) is not a minor, be imprisoned not less
 17 than 1 year and not more than 10 years, fined
 18 in accordance with this title, or both; and

19 “(2) be liable for any costs incurred by the
 20 Federal Government or by any State or local govern-
 21 ment for housing, maintaining, and treating the
 22 minor until the minor attains the age of 18 years.

23 “(c) DEFINITIONS.—In this section:

24 “(1) CRIMINAL STREET GANG.—The term
 25 ‘criminal street gang’ has the meaning given the
 26 term in section 521.

1 “(2) MINOR.—The term ‘minor’ means a per-
2 son who is younger than 18 years of age.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 26 of title 18, United States Code, is amended by add-
5 ing at the end the following:

“522. Recruitment of persons to participate in criminal street gang activity.”.

6 **SEC. 2502. INCREASED PENALTIES FOR USING MINORS TO**
7 **DISTRIBUTE DRUGS.**

8 Section 420 of the Controlled Substances Act (21
9 U.S.C. 861) is amended—

10 (1) in subsection (b), by striking “one year”
11 and inserting “3 years”; and

12 (2) in subsection (c), by striking “one year”
13 and inserting “5 years”.

14 **SEC. 2503. PENALTIES FOR USE OF MINORS IN CRIMES OF**
15 **VIOLENCE.**

16 (a) IN GENERAL.—Chapter 1 of title 18, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 25. Use of minors in crimes of violence**

20 “(a) PENALTIES.—Except as otherwise provided by
21 law, whoever, being not less than 18 years of age, know-
22 ingly and intentionally uses a minor to commit a Federal
23 offense that is a crime of violence, or to assist in avoiding
24 detection or apprehension for such an offense, shall—

1 “(1) be subject to 2 times the maximum impris-
 2 onment and 2 times the maximum fine that would
 3 otherwise be imposed for the offense; and

4 “(2) for second or subsequent convictions under
 5 this subsection, be subject to 3 times the maximum
 6 imprisonment and 3 times the maximum fine that
 7 would otherwise be imposed for the offense.

8 “(b) DEFINITIONS.—In this section:

9 “(1) CRIME OF VIOLENCE.—The term ‘crime of
 10 violence’ has the meaning given the term in section
 11 16 of this title.

12 “(2) MINOR.—The term ‘minor’ means a per-
 13 son who is less than 18 years of age.

14 “(3) USES.—The term ‘uses’ means employs,
 15 hires, persuades, induces, entices, or coerces.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
 17 ter 1 of title 18, United States Code, is amended by add-
 18 ing at the end the following:

 “25. Use of minors in crimes of violence.”.

19 **SEC. 2504. HIGH INTENSITY INTERSTATE GANG ACTIVITY**
 20 **AREAS.**

21 (a) DEFINITIONS.—In this section:

22 (1) GOVERNOR.—The term “Governor” means
 23 a Governor of a State or the Mayor of the District
 24 of Columbia.

1 (2) HIGH INTENSITY INTERSTATE GANG ACTIV-
2 ITY AREA.—The term “high intensity interstate
3 gang activity area” means an area within a State
4 that is designated as a high intensity interstate gang
5 activity area under subsection (b)(1).

6 (3) STATE.—The term “State” means a State
7 of the United States or the District of Columbia.

8 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY
9 AREAS.—

10 (1) DESIGNATION.—The Attorney General,
11 upon consultation with the Secretary of the Treas-
12 ury and the Governors of appropriate States, may
13 designate as a high intensity interstate gang activity
14 area a specified area that is located—

15 (A) within a State; or

16 (B) in more than 1 State.

17 (2) ASSISTANCE.—In order to provide Federal
18 assistance to a high intensity interstate gang activity
19 area, the Attorney General may—

20 (A) facilitate the establishment of a re-
21 gional task force, consisting of Federal, State,
22 and local law enforcement authorities, for the
23 coordinated investigation, disruption, apprehen-
24 sion, and prosecution of criminal activities of

gangs and gang members in the high intensity interstate gang activity area; and

(B) direct the detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to the high intensity interstate gang activity area.

(3) CRITERIA FOR DESIGNATION.—In considering an area (within a State or within more than 1 State) for designation as a high intensity interstate gang activity area under this subsection, the Attorney General shall consider—

(A) the extent to which gangs from the area are involved in interstate or international criminal activity;

(B) the extent to which the area is affected by the criminal activity of gang members who—

(i) are located in, or have relocated from, other States; or

(ii) are located in, or have immigrated (legally or illegally) from, foreign countries;

(C) the extent to which the area is affected by the criminal activity of gangs that originated in other States or foreign countries;

1 (D) the extent to which State and local law
 2 enforcement agencies have committed resources
 3 to respond to the problem of criminal gang ac-
 4 tivity in the area, as an indication of their de-
 5 termination to respond aggressively to the prob-
 6 lem;

7 (E) the extent to which a significant in-
 8 crease in the allocation of Federal resources
 9 would enhance local response to gang-related
 10 criminal activities in the area; and

11 (F) any other criteria that the Attorney
 12 General considers to be appropriate.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There is authorized to be
 15 appropriated for each of fiscal years 2000 through
 16 2005, \$100,000,000 to carry out this section, to be
 17 used in accordance with paragraph (2).

18 (2) USE OF FUNDS.—Of amounts made avail-
 19 able under paragraph (1) in each fiscal year—

20 (A) 75 percent shall be used to carry out
 21 subsection (b)(2); and

22 (B) 25 percent shall be used to make
 23 grants for community-based programs to pro-
 24 vide crime prevention and intervention services
 25 that are designed for gang members and at-risk

youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall ensure that not less than 10 percent of amounts made available under paragraph (1) in each fiscal year are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(B) RURAL STATE DEFINED.—In this paragraph, the term “rural State” has the meaning given the term in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)).

SEC. 2505. INCREASED PENALTY FOR USE OF PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.

(a) IN GENERAL.—Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “as provided in paragraph (2)” and inserting “as provided in paragraph (3)”;

1 (B) by redesignating paragraph (2) as
2 paragraph (3);

3 (C) by inserting after paragraph (1) the
4 following:

5 “(2) Whoever uses physical force or the threat of
6 physical force against any person, or attempts to do so,
7 with intent to—

8 “(A) influence, delay, or prevent the testimony
9 of any person in an official proceeding;

10 “(B) cause or induce any person to—

11 “(i) withhold testimony, or withhold a
12 record, document, or other object, from an offi-
13 cial proceeding;

14 “(ii) alter, destroy, mutilate, or conceal an
15 object with intent to impair the object’s integ-
16 rity or availability for use in an official pro-
17 ceeding;

18 “(iii) evade legal process summoning that
19 person to appear as a witness, or to produce a
20 record, document, or other object, in an official
21 proceeding; or

22 “(iv) be absent from an official proceeding
23 to which such person has been summoned by
24 legal process; or

1 “(C) hinder, delay, or prevent the communica-
 2 tion to a law enforcement officer or judge of the
 3 United States of information relating to the commis-
 4 sion or possible commission of a Federal offense or
 5 a violation of conditions of probation, parole, or re-
 6 lease pending judicial proceedings;

7 shall be punished as provided in paragraph (3).”; and

8 (D) in paragraph (3), as so redesignated,
 9 by striking subparagraph (B) and inserting the
 10 following:

11 “(B) in the case of—

12 “(i) an attempt to murder; or

13 “(ii) the use of physical force against
 14 any person;

15 imprisonment for not more than 20 years.”;

16 and

17 (2) in subsection (b), by striking “or physical
 18 force”.

19 (b) CONSPIRACY.—That section is further amended
 20 by adding at the end the following:

21 “(j) CONSPIRACY.—Whoever conspires to commit any
 22 offense under this section or section 1513 shall be subject
 23 to the same penalties as those prescribed for the offense
 24 the commission of which was the object of the con-
 25 spiracy.”.

1 **CHAPTER 2—TRAVEL ACT AMENDMENT**

2 **SEC. 2511. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
 3 **PORTATION IN AID OF CRIMINAL GANGS.**

4 (a) TRAVEL ACT AMENDMENT.—Section 1952 of
 5 title 18, United States Code, is amended to read as fol-
 6 lows:

7 **“§ 1952. Interstate and foreign travel or transpor-**
 8 **tation in aid of racketeering enterprises**

9 “(a) PROHIBITED CONDUCT AND PENALTIES.—

10 “(1) IN GENERAL.—Whoever—

11 “(A) travels in interstate or foreign com-
 12 merce or uses the mail or any facility in inter-
 13 state or foreign commerce, with intent to—

14 “(i) distribute the proceeds of any un-
 15 lawful activity; or

16 “(ii) otherwise promote, manage, es-
 17 tablish, carry on, or facilitate the pro-
 18 motion, management, establishment, or
 19 carrying on, of any unlawful activity; and

20 “(B) after travel or use of the mail or any
 21 facility in interstate or foreign commerce de-
 22 scribed in subparagraph (A), performs, at-
 23 tempts to perform, or conspires to perform an
 24 act described in clause (i) or (ii) of subpara-
 25 graph (A);

1 shall be fined under this title, imprisoned not more
2 than 10 years, or both.

3 “(2) CRIMES OF VIOLENCE.—Whoever—

4 “(A) travels in interstate or foreign com-
5 merce or uses the mail or any facility in inter-
6 state or foreign commerce, with intent to com-
7 mit any crime of violence to further any unlaw-
8 ful activity; and

9 “(B) after travel or use of the mail or any
10 facility in interstate or foreign commerce de-
11 scribed in subparagraph (A), commits, attempts
12 to commit, or conspires to commit any crime of
13 violence to further any unlawful activity;

14 shall be fined under this title, imprisoned for not
15 more than 20 years, or both, and if death results
16 shall be sentenced to death or be imprisoned for any
17 term of years or for life.

18 “(b) DEFINITIONS.—In this section:

19 “(1) CONTROLLED SUBSTANCE.—The term
20 ‘controlled substance’ has the meaning given that
21 term in section 102(6) of the Controlled Substances
22 Act (21 U.S.C. 802(6)).

23 “(2) STATE.—The term ‘State’ includes a State
24 of the United States, the District of Columbia, and

1 any commonwealth, territory, or possession of the
2 United States.

3 “(3) UNLAWFUL ACTIVITY.—The term ‘unlaw-
4 ful activity’ means—

5 “(A) any business enterprise involving
6 gambling, liquor on which the Federal excise
7 tax has not been paid, narcotics or controlled
8 substances, or prostitution offenses in violation
9 of the laws of the State in which the offense is
10 committed or of the United States;

11 “(B) extortion, bribery, arson, burglary if
12 the offense involves property valued at not less
13 than \$10,000, assault with a deadly weapon,
14 assault resulting in bodily injury, shooting at an
15 occupied dwelling or motor vehicle, or retalia-
16 tion against or intimidation of witnesses, vic-
17 tims, jurors, or informants, in violation of the
18 laws of the State in which the offense is com-
19 mitted or of the United States;

20 “(C) the use of bribery, force, intimidation,
21 or threat, directed against any person, to delay
22 or influence the testimony of or prevent from
23 testifying a witness in a State criminal pro-
24 ceeding or by any such means to cause any per-
25 son to destroy, alter, or conceal a record, docu-

ment, or other object, with intent to impair the object's integrity or availability for use in such a proceeding; or

“(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.”.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term “unlawful activity” has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United

1 States Code (as added by section 2501 of this Act),
 2 recruits, solicits, induces, commands, or causes an-
 3 other person residing in another State to be or to re-
 4 main a member of a criminal gang, or crosses a
 5 State line with the intent to recruit, solicit, induce,
 6 command, or cause another person to be or to re-
 7 main a member of a criminal gang.

8 **CHAPTER 3—DISTRIBUTION OF**
 9 **INFORMATION ON DESTRUCTIVE DEVICES**

10 **SEC. 2521. CRIMINAL PROHIBITION ON DISTRIBUTION OF**
 11 **CERTAIN INFORMATION RELATING TO EX-**
 12 **PLOSIVES, DESTRUCTIVE DEVICES, AND**
 13 **WEAPONS OF MASS DESTRUCTION.**

14 (a) UNLAWFUL CONDUCT.—Section 842 of title 18,
 15 United States Code, is amended by adding at the end the
 16 following:

17 “(p) DISTRIBUTION OF INFORMATION RELATING TO
 18 EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF
 19 MASS DESTRUCTION.—

20 “(1) DEFINITIONS.—In this subsection:

21 “(A) The term ‘destructive device’ has the
 22 same meaning as in section 921(a)(4).

23 “(B) The term ‘explosive’ has the same
 24 meaning as in section 844(j).

1 “(C) The term ‘weapon of mass destruc-
2 tion’ has the same meaning as in section
3 2332a(c)(2).
4

5 “(2) PROHIBITION.—It shall be unlawful for
6 any person—

7 “(A) to teach or demonstrate the making
8 or use of an explosive, a destructive device, or
9 a weapon of mass destruction, or to distribute
10 by any means information pertaining to, in
11 whole or in part, the manufacture or use of an
12 explosive, destructive device, or weapon of mass
13 destruction, with the intent that the teaching,
14 demonstration, or information be used for, or in
15 furtherance of, an activity that constitutes a
16 Federal crime of violence; or

17 “(B) to teach or demonstrate to any per-
18 son the making or use of an explosive, a de-
19 structive device, or a weapon of mass destruc-
20 tion, or to distribute to any person, by any
21 means, information pertaining to, in whole or in
22 part, the manufacture or use of an explosive,
23 destructive device, or weapon of mass destruc-
24 tion, knowing that such person intends to use
 the teaching, demonstration, or information for,

1 or in furtherance of, an activity that constitutes
2 a Federal crime of violence.”.

3 (b) PENALTIES.—Section 844 of title 18, United
4 States Code, is amended—

5 (1) in subsection (a), by striking “person who
6 violates any of subsections” and inserting the fol-
7 lowing: “person who—

8 “(1) violates any of subsections”;

9 (2) by striking the period at the end and insert-
10 ing “; and”;

11 (3) by adding at the end the following:

12 “(2) violates subsection (p)(2) of section 842,
13 shall be fined under this title, imprisoned not more
14 than 20 years, or both.”; and

15 (4) in subsection (j), by striking “and (i)” and
16 inserting “(i), and (p)”.

17 **CHAPTER 4—ANIMAL ENTERPRISE**
18 **TERRORISM AND ECOTERRORISM**

19 **SEC. 2531. ENHANCEMENT OF PENALTIES FOR ANIMAL EN-**
20 **TERPRISE TERRORISM.**

21 Section 43 of title 18, United States Code, is
22 amended—

23 (1) in subsection (a)—

1 (A), by striking “under this title” and in-
2 serting “consistent with this title or double the
3 amount of damages, whichever is greater,”; and

4 (B) by striking “one year” and inserting
5 “five years”; and

6 (2) in subsection (b)—

7 (A) by redesignating paragraph (2) as
8 paragraph (3);

9 (B) by inserting after paragraph (1) the
10 following new paragraph (2):

11 “(2) EXPLOSIVES OR ARSON.—Who-
12 ever in the course of a violation of sub-
13 section (a) maliciously damages or de-
14 stroys, or attempts to damage or destroy,
15 by means of fire or an explosive, any build-
16 ing, vehicle, or other real or personal prop-
17 erty used by the animal enterprise shall be
18 imprisoned for not less than 5 years and
19 not more than 20 years, fined under this
20 title, or both.”; and

21 (C) in paragraph (3), as so redesignated,
22 by striking “under this title and” and all that
23 follows and inserting “under this title, impris-
24 oned for life or for any term of years, or sen-
25 tenced to death.”.

1 **SEC. 2532. NATIONAL ANIMAL TERRORISM AND**
2 **ECOTERRORISM INCIDENT CLEARINGHOUSE.**

3 (a) IN GENERAL.—The Director shall establish and
4 maintain a national clearinghouse for information on inci-
5 dents of crime and terrorism—

6 (1) committed against or directed at any animal
7 enterprise;

8 (2) committed against or directed at any com-
9 mercial activity because of the perceived impact or
10 effect of such commercial activity on the environ-
11 ment; or

12 (3) committed against or directed at any person
13 because of such person's perceived connection with
14 or support of any enterprise or activity described in
15 paragraph (1) or (2).

16 (b) CLEARINGHOUSE.—The clearinghouse established
17 under subsection (a) shall—

18 (1) accept, collect, and maintain information on
19 incidents described in subsection (a) that is sub-
20 mitted to the clearinghouse by Federal, State, and
21 local law enforcement agencies, by law enforcement
22 agencies of foreign countries, and by victims of such
23 incidents;

24 (2) collate and index such information for pur-
25 poses of cross-referencing; and

1 (3) upon request from a Federal, State, or local
2 law enforcement agency, or from a law enforcement
3 agency of a foreign country, provide such informa-
4 tion to assist in the investigation of an incident de-
5 scribed in subsection (a).

6 (c) SCOPE OF INFORMATION.—The information
7 maintained by the clearinghouse for each incident shall,
8 to the extent practicable, include—

9 (1) the date, time, and place of the incident;

10 (2) details of the incident;

11 (3) any available information on suspects or
12 perpetrators of the incident; and

13 (4) any other relevant information.

14 (d) DESIGN OF CLEARINGHOUSE.—The clearing-
15 house shall be designed for maximum ease of use by par-
16 ticipating law enforcement agencies.

17 (e) PUBLICITY.—The Director shall publicize the ex-
18 istence of the clearinghouse to law enforcement agencies
19 by appropriate means.

20 (f) RESOURCES.—In establishing and maintaining
21 the clearinghouse, the Director may—

22 (1) through the Attorney General, utilize the re-
23 sources of any other department or agency of the
24 Federal Government; and

1 (2) accept assistance and information from pri-
2 vate organizations or individuals.

3 (g) COORDINATION.—The Director shall carry out
4 the Director’s responsibilities under this section in co-
5 operation with the Director of the Bureau of Alcohol, To-
6 bacco, and Firearms.

7 (h) DEFINITIONS.—As used in this section:

8 (1) The term “animal enterprise” has the same
9 meaning given such term in section 43 of title 18,
10 United States Code.

11 (2) The term “Director” means the Director of
12 the Federal Bureau of Investigation.

13 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
14 hereby authorized to be appropriated for fiscal years 2000,
15 2001, 2002, 2003, and 2004 such sums as are necessary
16 to carry out this section.

17 **Subtitle D—High Intensity Drug**
18 **Trafficking Areas**

19 **SEC. 2601. FINDINGS; PURPOSE.**

20 (a) FINDINGS.—Congress makes the following find-
21 ings:

22 (1) Numerous law enforcement agencies, includ-
23 ing the United States Customs Service, the Drug
24 Enforcement Agency, and State and local law en-
25 forcement agencies, are overwhelmed by the high

1 volume of methamphetamine trafficking along the
2 Northern Border of the United States, including
3 throughout the State of Minnesota.

4 (2) Minnesota and other States along the
5 northern border have become hubs for the clandes-
6 tine manufacture, production, sale, and abuse of
7 methamphetamines.

8 (3) It is necessary to coordinate Federal, State,
9 and local law enforcement efforts to address the
10 problem of methamphetamine trafficking and abuse
11 along the northern border.

12 (b) PURPOSE.—The purpose of this subtitle is to pro-
13 vide for the designation of the Northern Border of the
14 United States as a high intensity drug trafficking area to
15 better address the problem of methamphetamine traf-
16 ficking along the area of the northern border by directing
17 additional resources to the area.

18 **SEC. 2602. DESIGNATION OF NORTHERN BORDER AS HIGH**
19 **INTENSITY DRUG TRAFFICKING AREA.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Director of the Office of National Drug
22 Control Policy shall designate appropriate areas along the
23 Northern Border of the United States as a high intensity
24 drug trafficking area. The areas designated shall include
25 the State of Minnesota.

1 **SEC. 2603. AUTHORIZATION OF APPROPRIATIONS.**

2 There is hereby authorized to be appropriated to the
3 Office of National Drug Control Policy for fiscal year
4 2000, \$2,700,000 to carry out the purposes of this sub-
5 title.

6 **TITLE III—CRIMINAL USE OF**
7 **FIREARMS BY FELONS**
8 **Subtitle A—Criminal Use of**
9 **Firearms by Felons**

10 **SEC. 3001. SHORT TITLE.**

11 This subtitle may be referred to as the “Criminal Use
12 of Firearms by Felons (CUFF) Act”.

13 **SEC. 3002. CRIMINAL USE OF FIREARMS BY FELONS PRO-**
14 **GRAM.**

15 (a) **IN GENERAL.**—Not later than 90 days after the
16 date of the enactment of this Act, the Attorney General
17 shall establish in the jurisdictions specified in subsection
18 (d) a program that meets the requirements of subsections
19 (b) and (c). The program shall be known as the “Criminal
20 Use of Firearms by Felons (CUFF) Program”.

21 (b) **PROGRAM ELEMENTS.**—Each program estab-
22 lished under subsection (a) shall, for the jurisdiction
23 concerned—

24 (1) provide for coordination with State and
25 local law enforcement officials in the identification of
26 violations of Federal firearms laws;

1 (2) provide for the establishment of agreements
2 with State and local law enforcement officials for the
3 referral to the United States Attorney for prosecu-
4 tion of persons arrested for violations of section
5 922(a)(6), 922(g)(1), 922(g)(2), 922(g)(3), 922(j),
6 922(k), or 924(c) of title 18, United States Code, or
7 section 5861(d) or 5861(h) of the Internal Revenue
8 Code of 1986, relating to firearms;

9 (3) require that the United States Attorney
10 designate not less than 1 Assistant United States
11 Attorney to prosecute violations of Federal firearms
12 laws;

13 (4) provide for the hiring of agents for the Bu-
14 reau of Alcohol, Tobacco, and Firearms to inves-
15 tigate violations of the provisions referred to in
16 paragraph (2) and section 922(a)(5) of title 18,
17 United States Code, relating to firearms; and

18 (5) ensure that each person referred to the
19 United States Attorney under paragraph (1) be
20 charged with a violation of the most serious Federal
21 offense consistent with the act committed.

22 (c) PUBLIC EDUCATION CAMPAIGN.—As part of the
23 program for a jurisdiction, the United States Attorney
24 shall carry out, in cooperation with local civic, community,

1 and religious organizations, an extensive media campaign
2 focused in high-crime areas to—

- 3 (1) educate the public about the severity of pen-
4 alties for violations of Federal firearms laws; and
5 (2) encourage law-abiding citizens to report the
6 possession of illegal firearms to authorities.

7 (d) COVERED JURISDICTIONS.—The jurisdictions
8 specified in this subsection are the following 25 jurisdic-
9 tions:

- 10 (1) The 10 jurisdictions with a population equal
11 to or greater than 100,000 persons that had the
12 highest total number of violent crimes according to
13 the FBI uniform crime report for 1998.

- 14 (2) The 15 jurisdictions with such a population,
15 other than the jurisdictions covered by paragraph
16 (1), with the highest per capita rate of violent crime
17 according to the FBI uniform crime report for 1998.

18 **SEC. 3003. ANNUAL REPORTS.**

19 Not later than one year after the date of the enact-
20 ment of this Act and annually thereafter, the Attorney
21 General shall submit to the Committees on the Judiciary
22 of Senate and House of Representatives a report con-
23 taining the following information:

- 24 (1) The number of Assistant United States At-
25 torneys hired under the program under this subtitle

1 during the year preceding the year in which the re-
2 port is submitted in order to prosecute violations of
3 Federal firearms laws in Federal court.

4 (2) The number of individuals indicted for such
5 violations during that year by reason of the pro-
6 gram.

7 (3) The increase or decrease in the number of
8 individuals indicted for such violations during that
9 year by reason of the program when compared with
10 the year preceding that year.

11 (4) The number of individuals held without
12 bond in anticipation of prosecution by reason of the
13 program.

14 (5) To the extent information is available, the
15 average length of prison sentence of the individuals
16 convicted of violations of Federal firearms laws by
17 reason of the program.

18 **SEC. 3004. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated for fiscal year 2000
21 \$50,000,000 for purposes of the program required under
22 section 3002, of which—

23 (1) \$40,000,000 shall be for salaries and ex-
24 penses of Assistant United States Attorneys and Bu-
25 reau of Alcohol, Tobacco, and Firearms agents; and

1 (2) \$10,000,000 shall be available for the public
2 relations campaign required by subsection (c) of that
3 section.

4 (b) USE OF FUNDS.—(1) The Assistant United
5 States Attorneys hired using amounts appropriated pursu-
6 ant to the authorization of appropriations in subsection
7 (a) shall prosecute violations of Federal firearms laws in
8 accordance with section 3002(b)(3).

9 (2) The Bureau of Alcohol, Tobacco, and Firearms
10 agents hired using amounts appropriated pursuant to the
11 authorization of appropriations in subsection (a) shall, to
12 the maximum extent practicable, concentrate their inves-
13 tigations on violations of Federal firearms laws in accord-
14 ance with section 3002(b)(4).

15 (3) It is the sense of Congress that amounts made
16 available under this section for the public education cam-
17 paign required by section 3002(c) should, to the maximum
18 extent practicable, be matched with State or local funds
19 or private donations.

1 **Subtitle B—Apprehension and**
 2 **Treatment of Armed Violent**
 3 **Criminals**

4 **SEC. 3101. APPREHENSION AND PROCEDURAL TREATMENT**
 5 **OF ARMED VIOLENT CRIMINALS.**

6 (a) PRETRIAL DETENTION FOR POSSESSION OF
 7 FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—
 8 Section 3156(a)(4) of title 18, United States Code, is
 9 amended—

10 (1) by striking “or” at the end of subparagraph
 11 (B);

12 (2) by striking “and” at the end of subpara-
 13 graph (C) and inserting “or”; and

14 (3) by adding at the end the following:

15 “(D) an offense that is a violation of sec-
 16 tion 842(i) or 922(g) (relating to possession of
 17 explosives or firearms by convicted felons);
 18 and”.

19 (b) FIREARMS POSSESSION BY VIOLENT FELONS
 20 AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of
 21 title 18, United States Code, is amended—

22 (1) by striking “Whoever” and inserting “(A)
 23 Except as provided in subparagraph (B), any person
 24 who”; and

25 (2) by adding at the end the following:

1 “(B) Notwithstanding any other provision of law, the
2 court shall not grant a probationary sentence to a person
3 who has more than 1 previous conviction for a violent fel-
4 ony or a serious drug offense, committed under different
5 circumstances.”.

6 **TITLE IV—JUVENILE CRIME**
7 **CONTROL AND DELINQUENCY**
8 **PREVENTION**

9 **Subtitle A—Juvenile Justice**
10 **Reform**

11 **SEC. 4101. REPEAL OF GENERAL PROVISION.**

12 (a) IN GENERAL.—Chapter 401 of title 18, United
13 States Code, is amended—

14 (1) by striking section 5001; and

15 (2) by redesignating section 5003 as section
16 5001.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 The analysis for chapter 401 of title 18, United States
19 Code, is amended—

20 (1) by striking the items relating to sections
21 5001 and 5002; and

22 (2) by redesignating the item relating to section
23 5003 as an item relating to section 5001.

1 **SEC. 4102. TREATMENT OF FEDERAL JUVENILE OFFEND-**
 2 **ERS.**

3 (a) IN GENERAL.—Section 5032 of title 18, United
 4 States Code, is amended to read as follows:

5 **“§ 5032. Delinquency proceedings in district courts;**
 6 **juveniles tried as adults; transfer for**
 7 **other criminal prosecution**

8 “(a) IN GENERAL.—

9 “(1) DELINQUENCY PROCEEDINGS IN DISTRICT
 10 COURTS.—A juvenile who is alleged to have com-
 11 mitted a Federal offense shall, except as provided in
 12 paragraph (2), be tried in the appropriate district
 13 court of the United States—

14 “(A) in the case of an offense described in
 15 subsection (c), and except as provided in sub-
 16 section (i), if the juvenile was not less than 14
 17 years of age at the time of the offense, as an
 18 adult at the discretion of the United States At-
 19 torney in the appropriate jurisdiction, upon cer-
 20 tification by that United States Attorney (which
 21 certification shall not be subject to review in or
 22 by any court) that—

23 “(i) there is a substantial Federal in-
 24 terest in the case or the offense to warrant
 25 the exercise of Federal jurisdiction; or

1 “(ii) the ends of justice otherwise so
2 require;

3 “(B) in the case of a felony offense that is
4 not described in subsection (c), and except as
5 provided in subsection (i), if the juvenile was
6 not less than 14 years of age at the time of the
7 offense, as an adult, upon certification by the
8 Attorney General (which certification shall not
9 be subject to review in or by any court) that—

10 “(i) there is a substantial Federal in-
11 terest in the case or the offense to warrant
12 the exercise of Federal jurisdiction; or

13 “(ii) the ends of justice otherwise so
14 require;

15 “(C) in the case of a juvenile who has, on
16 a prior occasion, been tried and convicted as an
17 adult under this section, as an adult; and

18 “(D) in all other cases, as a juvenile.

19 “(2) REFERRAL BY UNITED STATES ATTORNEY;
20 APPLICATION TO CONCURRENT JURISDICTION.—

21 “(A) IN GENERAL.—If the United States
22 Attorney in the appropriate jurisdiction (or in
23 the case of an offense under paragraph (1)(B),
24 the Attorney General), declines prosecution of
25 an offense under this section, the matter may

1 be referred to the appropriate legal authorities
2 of the State or Indian tribe with jurisdiction
3 over both the offense and the juvenile.

4 “(B) APPLICATION TO CONCURRENT JU-
5 RISDICTION.—The United States Attorney in
6 the appropriate jurisdiction (or, in the case of
7 an offense under paragraph (1)(B), the Attor-
8 ney General), in cases of concurrent jurisdiction
9 between the Federal Government and a State or
10 Indian tribe over both the offense and the juve-
11 nile, shall exercise a presumption in favor of re-
12 ferral pursuant to subparagraph (A), unless the
13 United States Attorney pursuant to paragraph
14 (1)(A) (or the Attorney General pursuant to
15 paragraph (1)(B)) certifies (which certification
16 shall not be subject to review in or by any
17 court) that—

18 “(i) the prosecuting authority or the
19 juvenile court or other appropriate court of
20 the State or Indian tribe refuses, declines,
21 or will refuse or will decline to assume ju-
22 risdiction over the offense or the juvenile;
23 and

1 “(ii) there is a substantial Federal in-
2 terest in the case or the offense to warrant
3 the exercise of Federal jurisdiction.

4 “(C) DEFINITIONS.—In this subsection:

5 “(i) INDIAN TRIBE.—The term ‘In-
6 dian tribe’ has the meaning given the term
7 in section 4(e) of the Indian Self-Deter-
8 mination and Education Assistance Act
9 (25 U.S.C. 450b(e)).

10 “(ii) STATE.—The term ‘State’ in-
11 cludes a State of the United States, the
12 District of Columbia, and any common-
13 wealth, territory, or possession of the
14 United States.

15 “(b) JOINDER; LESSER INCLUDED OFFENSES.—In a
16 prosecution under this section, a juvenile may be pros-
17 ecuted and convicted as an adult for any offense that is
18 properly joined under the Federal Rules of Criminal Pro-
19 cedure with an offense described in subsection (c), and
20 may also be convicted of a lesser included offense.

21 “(c) OFFENSES DESCRIBED.—An offense is de-
22 scribed in this subsection if it is a Federal offense that—

23 “(1) is a serious violent felony or a serious drug
24 offense (as those terms are defined in section

1 3559(c), except that section 3559(c)(3) does not
2 apply to this subsection); or

3 “(2) is a conspiracy or an attempt to commit
4 an offense described in paragraph (1).

5 “(d) WAIVER TO JUVENILE STATUS IN CERTAIN
6 CASES; LIMITATIONS ON JUDICIAL REVIEW.—

7 “(1) IN GENERAL.—Except as otherwise pro-
8 vided in this subsection, a determination to approve
9 or not to approve, or to institute or not to institute,
10 a prosecution under subsection (a)(1) shall not be
11 reviewable in any court.

12 “(2) DETERMINATION BY COURT ON TRIAL AS
13 ADULT OF CERTAIN JUVENILE.—In any prosecution
14 of a juvenile under subsection (a)(1)(A) if the juve-
15 nile was less than 16 years of age at the time of the
16 offense, or under subsection (a)(1)(B), upon motion
17 of the defendant and after a hearing, the court in
18 which criminal charges have been filed shall deter-
19 mine whether to issue an order to provide for the
20 transfer of the defendant to juvenile status for the
21 purposes of proceeding against the defendant under
22 subsection (a).

23 “(3) TIME REQUIREMENTS.—A motion by a de-
24 fendant under paragraph (2) shall not be considered

1 unless that motion is filed not later than 20 days
2 after the date on which the defendant—

3 “(A) initially appears through counsel; or

4 “(B) expressly waives the right to counsel
5 and elects to proceed pro se.

6 “(4) PROHIBITION.—The court shall not order
7 the transfer of a defendant to juvenile status under
8 paragraph (2) unless the defendant establishes by
9 clear and convincing evidence or information that re-
10 moval to juvenile status would be in the interest of
11 justice. In making a determination under paragraph
12 (2), the court may consider—

13 “(A) the nature of the alleged offense, in-
14 cluding the extent to which the juvenile played
15 a leadership role in an organization, or other-
16 wise influenced other persons to take part in
17 criminal activities;

18 “(B) whether prosecution of the juvenile as
19 an adult is necessary to protect property or
20 public safety;

21 “(C) the age and social background of the
22 juvenile;

23 “(D) the extent and nature of the prior
24 criminal or delinquency record of the juvenile;

1 “(E) the intellectual development and psy-
2 chological maturity of the juvenile;

3 “(F) the nature of any treatment efforts
4 and the response of the juvenile to those efforts;
5 and

6 “(G) the availability of programs designed
7 to treat any identified behavioral problems of
8 the juvenile.

9 “(5) STATUS OF ORDERS.—

10 “(A) IN GENERAL.—An order of the court
11 made in ruling on a motion by a defendant to
12 transfer a defendant to juvenile status under
13 this subsection shall not be a final order for the
14 purpose of enabling an appeal, except that an
15 appeal by the United States shall lie to a court
16 of appeals pursuant to section 3731 from an
17 order of a district court removing a defendant
18 to juvenile status.

19 “(B) APPEALS.—Upon receipt of a notice
20 of appeal of an order under this paragraph, a
21 court of appeals shall hear and determine the
22 appeal on an expedited basis.

23 “(6) INADMISSIBILITY OF EVIDENCE.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), no statement made by a de-

1 fendant during or in connection with a hearing
 2 under this subsection shall be admissible
 3 against the defendant in any criminal prosecu-
 4 tion.

5 “(B) EXCEPTIONS.—The prohibition under
 6 subparagraph (A) shall not apply, except—

7 “(i) for impeachment purposes; or

8 “(ii) in a prosecution for perjury or
 9 giving a false statement.

10 “(7) RULES.—The rules concerning the receipt
 11 and admissibility of evidence under this subsection
 12 shall be the same as prescribed in section 3142(f).

13 “(e) APPLICABLE PROCEDURES.—Any prosecution in
 14 a district court of the United States under this section—

15 “(1) in the case of a juvenile tried as an adult
 16 under subsection (a), shall proceed in the same man-
 17 ner as is required by this title and by the Federal
 18 Rules of Criminal Procedure in any proceeding
 19 against an adult; and

20 “(2) in all other cases, shall proceed in accord-
 21 ance with this chapter, unless the juvenile has re-
 22 quested in writing, upon advice of counsel, to be pro-
 23 ceeded against as an adult.

24 “(f) APPLICATION OF LAWS.—

1 “(1) APPLICABILITY OF SENTENCING PROVI-
2 SIONS.—

3 “(A) IN GENERAL.—Except as otherwise
4 provided in this chapter, in any case in which
5 a juvenile is prosecuted in a district court of the
6 United States as an adult, the juvenile shall be
7 subject to the same laws, rules, and proceedings
8 regarding sentencing (including the availability
9 of probation, restitution, fines, forfeiture, im-
10 prisonment, and supervised release) that would
11 be applicable in the case of an adult, except
12 that no person shall be subject to the death
13 penalty for an offense committed before the
14 person attains the age of 18 years.

15 “(B) STATUS AS ADULT.—No juvenile sen-
16 tenced to a term of imprisonment shall be re-
17 leased from custody on the basis that the juve-
18 nile has attained the age of 18 years.

19 “(C) APPLICABLE GUIDELINES.—Each ju-
20 venile tried as an adult shall be sentenced in ac-
21 cordance with the Federal sentencing guidelines
22 promulgated under section 994(z) of title 28,
23 United States Code, once such guidelines are
24 promulgated and take effect.

1 “(2) APPLICABILITY OF MANDATORY RESTITU-
2 TION PROVISIONS TO CERTAIN JUVENILES.—If a ju-
3 venile is tried as an adult for any offense to which
4 the mandatory restitution provisions of sections
5 3663A, 2248, 2259, 2264, and 2323 apply, those
6 sections shall apply to that juvenile in the same
7 manner and to the same extent as those provisions
8 apply to adults.

9 “(g) OPEN PROCEEDINGS.—

10 “(1) IN GENERAL.—Any offense tried or adju-
11 dicated in a district court of the United States
12 under this section shall be open to the general pub-
13 lic, in accordance with rules 10, 26, 31(a), and 53
14 of the Federal Rules of Criminal Procedure, unless
15 good cause is established by the moving party or is
16 otherwise found by the court, for closure.

17 “(2) STATUS ALONE INSUFFICIENT.—The sta-
18 tus of the defendant as a juvenile, absent other fac-
19 tors, shall not constitute good cause for purposes of
20 this subsection.

21 “(h) AVAILABILITY OF RECORDS.—

22 “(1) IN GENERAL.—In making a determination
23 concerning the arrest or prosecution of a juvenile in
24 a district court of the United States under this sec-
25 tion, the United States Attorney of the appropriate

1 jurisdiction, or, as appropriate, the Attorney Gen-
2 eral, shall have complete access to the prior Federal
3 juvenile records of the subject juvenile and, to the
4 extent permitted by State law, the prior State juve-
5 nile records of the subject juvenile.

6 “(2) CONSIDERATION OF ENTIRE RECORD.—In
7 any case in which a juvenile is found guilty or adju-
8 dicated delinquent in an action under this section,
9 the district court responsible for imposing sentence
10 shall have complete access to the prior Federal juve-
11 nile records of the subject juvenile and, to the extent
12 permitted under State law, the prior State juvenile
13 records of the subject juvenile. At sentencing, the
14 district court shall consider the entire available prior
15 juvenile record of the subject juvenile.

16 “(i) APPLICATION TO INDIAN COUNTRY.—Notwith-
17 standing sections 1152 and 1153, certification under sub-
18 paragraph (A) or (B) of subsection (a)(1) shall not be
19 made nor granted with respect to a juvenile who is subject
20 to the criminal jurisdiction of an Indian tribal government
21 if the juvenile is less than 15 years of age at the time
22 of offense and is alleged to have committed an offense for
23 which there would be Federal jurisdiction based solely on
24 commission of the offense in Indian country (as defined
25 in section 1151), unless the governing body of the tribe

1 having jurisdiction over the place where the alleged offense
 2 was committed has, before the occurrence of the alleged
 3 offense, notified the Attorney General in writing of its
 4 election that prosecution as an adult may take place under
 5 this section.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) CHAPTER ANALYSIS.—The analysis for
 8 chapter 403 of title 18, United States Code, is
 9 amended by striking the item relating to section
 10 5032 and inserting the following:

“5032. Delinquency proceedings in district courts; juveniles tried as adults;
 transfer for other criminal prosecution.”.

11 (2) ADULT SENTENCING.—Section 3553 of title
 12 18, United States Code, is amended by adding at
 13 the end the following:

14 “(g) LIMITATION ON APPLICABILITY OF STATUTORY
 15 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS
 16 YOUNGER THAN 16.—Notwithstanding any other provi-
 17 sion of law, in the case of a defendant convicted for con-
 18 duct that occurred before the juvenile attained the age of
 19 16 years, the court shall impose a sentence without regard
 20 to any statutory minimum sentence, if the court finds at
 21 sentencing, after affording the Government an opportunity
 22 to make a recommendation, that the juvenile has not been
 23 previously adjudicated delinquent for, or convicted of, a

1 serious violent felony or a serious drug offense (as those
2 terms are defined in section 3559(c)).

3 “(h) TREATMENT OF JUVENILE CRIMINAL HISTORY
4 IN FEDERAL SENTENCING.—

5 “(1) IN GENERAL.—

6 “(A) SENTENCING GUIDELINES.—Pursu-
7 ant to its authority under section 994 of title
8 28, the United States Sentencing Commission
9 (referred to in this subsection as the ‘Commis-
10 sion’) shall amend the Federal sentencing
11 guidelines to provide that, in determining the
12 criminal history score under the Federal sen-
13 tencing guidelines for any adult offender or any
14 juvenile offender being sentenced as an adult,
15 prior juvenile convictions and adjudications for
16 offenses described in paragraph (2) shall receive
17 a score similar to that which the defendant
18 would have received if those offenses had been
19 committed by the defendant as an adult, if any
20 portion of the sentence for the offense was im-
21 posed or served within 15 years after the com-
22 mencement of the instant offense.

23 “(B) REVIEWS.—The Commission shall re-
24 view the criminal history treatment of juvenile
25 adjudications or convictions for offenses other

1 than those described in paragraph (2) to deter-
2 mine whether the treatment should be adjusted
3 as described in subparagraph (A), and make
4 any amendments to the Federal sentencing
5 guidelines as necessary to make whatever ad-
6 justments the Commission concludes are nec-
7 essary to implement the results of the review.

8 “(2) OFFENSES DESCRIBED.—The offenses de-
9 scribed in this paragraph include any—

10 “(A) crime of violence;

11 “(B) controlled substance offense;

12 “(C) other offense for which the defendant
13 received a sentence or disposition of imprison-
14 ment of 1 year or more; and

15 “(D) other offense punishable by a term of
16 imprisonment of more than 1 year for which
17 the defendant was prosecuted as an adult.

18 “(3) DEFINITIONS.—The Federal sentencing
19 guidelines described in paragraph (1) shall define
20 the terms ‘crime of violence’ and ‘controlled sub-
21 stance offense’ in substantially the same manner as
22 those terms are defined in Guideline Section 4B1.2
23 of the November 1, 1995, Guidelines Manual.

24 “(4) JUVENILE ADJUDICATIONS.—In carrying
25 out this subsection, the Commission—

1 “(A) shall assign criminal history points
2 for juvenile adjudications based principally on
3 the nature of the acts committed by the juve-
4 nile; and

5 “(B) may provide for some adjustment of
6 the score in light of the length of sentence the
7 juvenile received.

8 “(5) EMERGENCY AUTHORITY.—The Commis-
9 sion shall promulgate the Federal sentencing guide-
10 lines and amendments under this subsection as soon
11 as practicable, and in any event not later than 90
12 days after the date of enactment of the Violent and
13 Repeat Juvenile Offender Accountability and Reha-
14 bilitation Act of 1999, in accordance with the proce-
15 dures set forth in section 21(a) of the Sentencing
16 Act of 1987, as though the authority under that au-
17 thority had not expired, except that the Commission
18 shall submit to Congress the emergency guidelines
19 or amendments promulgated under this section, and
20 shall set an effective date for those guidelines or
21 amendments not earlier than 30 days after their
22 submission to Congress.

23 “(6) CAREER OFFENDER DETERMINATION.—
24 Pursuant to its authority under section 994 of title
25 28, the Commission shall amend the Federal sen-

1 tencing guidelines to provide for inclusion, in any de-
 2 termination regarding whether a juvenile or adult
 3 defendant is a career offender under section 994(h)
 4 of title 28, and any computation of the sentence that
 5 any defendant found to be a career offender should
 6 receive, of any act for which the defendant was pre-
 7 viously convicted or adjudicated delinquent as a ju-
 8 venile that would be a felony covered by that section
 9 if it had been committed by the defendant as an
 10 adult.”.

11 **SEC. 4103. DEFINITIONS.**

12 Section 5031 of title 18, United States Code, is
 13 amended to read as follows:

14 **“§ 5031. Definitions**

15 “In this chapter:

16 “(1) ADULT INMATE.—The term ‘adult inmate’
 17 means an individual who has attained the age of 18
 18 years and who is in custody for, awaiting trial on,
 19 or convicted of criminal charges or an act of juvenile
 20 delinquency committed while a juvenile.

21 “(2) JUVENILE.—The term ‘juvenile’ means—

22 “(A) a person who has not attained the
 23 age of 18 years; or

24 “(B) for the purpose of proceedings and
 25 disposition under this chapter for an alleged act

1 of juvenile delinquency, a person who has not
2 attained the age of 21 years.

3 “(3) JUVENILE DELINQUENCY.—The term ‘ju-
4 venile delinquency’ means the violation of a law of
5 the United States committed by a person before the
6 eighteenth birthday of that person, if the violation—

7 “(A) would have been a crime if committed
8 by an adult; or

9 “(B) is a violation of section 922(x).

10 “(4) PROHIBITED PHYSICAL CONTACT.—

11 “(A) IN GENERAL.—The term ‘prohibited
12 physical contact’ means—

13 “(i) any physical contact between a
14 juvenile and an adult inmate; and

15 “(ii) proximity that provides an op-
16 portunity for physical contact between a
17 juvenile and an adult inmate.

18 “(B) EXCLUSION.—The term does not in-
19 clude supervised proximity between a juvenile
20 and an adult inmate that is brief and incidental
21 or accidental.

22 “(5) SUSTAINED ORAL COMMUNICATION.—

23 “(A) IN GENERAL.—The term ‘sustained
24 oral communication’ means the imparting or

1 interchange of speech by or between a juvenile
2 and an adult inmate.

3 “(B) EXCEPTION.—The term does not
4 include—

5 “(i) communication that is accidental
6 or incidental; or

7 “(ii) sounds or noises that cannot rea-
8 sonably be considered to be speech.

9 “(6) STATE.—The term ‘State’ includes a State
10 of the United States, the District of Columbia, any
11 commonwealth, territory, or possession of the United
12 States and, with regard to an act of juvenile delin-
13 quency that would have been a misdemeanor if com-
14 mitted by an adult, an Indian tribe (as defined in
15 section 4(e) of the Indian Self-Determination and
16 Education Assistance Act (25 U.S.C. 4506(e))).

17 “(7) VIOLENT JUVENILE.—The term ‘violent
18 juvenile’ means any juvenile who is alleged to have
19 committed, has been adjudicated delinquent for, or
20 has been convicted of an offense that, if committed
21 by an adult, would be a crime of violence (as defined
22 in section 16).”.

23 **SEC. 4104. NOTIFICATION AFTER ARREST.**

24 Section 5033 of title 18, United States Code, is
25 amended—

1 (1) in the first sentence, by striking “imme-
 2 diately notify the Attorney General and” and insert-
 3 ing the following: “immediately, or as soon as prac-
 4 ticable thereafter, notify the United States Attorney
 5 of the appropriate jurisdiction and shall promptly
 6 take reasonable steps to notify”; and

7 (2) in the second sentence of the second undes-
 8 ignated paragraph, by inserting before the period at
 9 the end the following: “, and the juvenile shall not
 10 be subject to detention under conditions that permit
 11 prohibited physical contact with adult inmates or in
 12 which the juvenile and an adult inmate can engage
 13 in sustained oral communication”.

14 **SEC. 4105. RELEASE AND DETENTION PRIOR TO DISPOSI-**
 15 **TION.**

16 (a) DUTIES OF MAGISTRATE.—Section 5034 of title
 17 18, United States Code, is amended—

18 (1) by striking “The magistrate shall insure”
 19 and inserting the following:

20 “(a) IN GENERAL.—

21 “(1) REPRESENTATION BY COUNSEL.—The
 22 magistrate shall ensure”;

23 (2) by striking “The magistrate may appoint”
 24 and inserting the following:

1 “(2) GUARDIAN AD LITEM.—The magistrate
2 may appoint”;

3 (3) by striking “If the juvenile” and inserting
4 the following:

5 “(b) RELEASE PRIOR TO DISPOSITION.—Except as
6 provided in subsection (c), if the juvenile”; and

7 (4) by adding at the end the following:

8 “(c) RELEASE OF CERTAIN JUVENILES.—A juvenile
9 who is to be tried as an adult pursuant to section 5032
10 shall be released pending trial only in accordance with the
11 applicable provisions of chapter 207. The release shall be
12 conducted in the same manner and shall be subject to the
13 same terms, conditions, and sanctions for violation of a
14 release condition as provided for an adult under chapter
15 207.

16 “(d) PENALTY FOR AN OFFENSE COMMITTED WHILE
17 ON RELEASE.—

18 “(1) IN GENERAL.—A juvenile alleged to have
19 committed, while on release under this section, an
20 offense that, if committed by an adult, would be a
21 Federal criminal offense, shall be subject to prosecu-
22 tion under section 5032.

23 “(2) APPLICABILITY OF CERTAIN PENALTIES.—
24 Section 3147 shall apply to a juvenile who is to be
25 tried as an adult pursuant to section 5032 for an of-

1 fense committed while on release under this sec-
2 tion.”.

3 (b) DETENTION PRIOR TO DISPOSITION.—Section
4 5035 of title 18, United States Code, is amended—

5 (1) by striking “A juvenile” and inserting the
6 following:

7 “(a) IN GENERAL.—Except as provided in subsection
8 (b), a juvenile”;

9 (2) in subsection (a), as redesignated—

10 (A) in the third sentence, by striking “reg-
11 ular contact” and inserting “prohibited physical
12 contact or sustained oral communication”; and

13 (B) after the fourth sentence, by inserting
14 the following: “To the extent practicable, vio-
15 lent juveniles shall be kept separate from non-
16 violent juveniles.”; and

17 (3) by adding at the end the following:

18 “(b) DETENTION OF CERTAIN JUVENILES.—

19 “(1) IN GENERAL.—A juvenile who is to be
20 tried as an adult pursuant to section 5032 shall be
21 subject to detention in accordance with chapter 207
22 in the same manner, to the same extent, and subject
23 to the same terms and conditions as an adult would
24 be subject to under that chapter.

1 “(2) EXCEPTION.—A juvenile shall not be de-
 2 tained or confined in any institution in which the ju-
 3 venile has prohibited physical contact or sustained
 4 oral communication with adult inmates. To the ex-
 5 tent practicable, violent juveniles shall be kept sepa-
 6 rate from nonviolent juveniles.”.

7 **SEC. 4106. SPEEDY TRIAL.**

8 Section 5036 of title 18, United States Code, is
 9 amended—

10 (1) by inserting “who is to be proceeded against
 11 as a juvenile pursuant to section 5032 and” after
 12 “If an alleged delinquent”;

13 (2) by striking “thirty” and inserting “70”; and

14 (3) by striking “the court,” and all that follows
 15 through the end of the section and inserting the fol-
 16 lowing: “the court. The periods of exclusion under
 17 section 3161(h) shall apply to this section. In deter-
 18 mining whether an information should be dismissed
 19 with or without prejudice, the court shall consider
 20 the seriousness of the alleged act of juvenile delin-
 21 quency, the facts and circumstances of the case that
 22 led to the dismissal, and the impact of a reprosecu-
 23 tion on the administration of justice.”.

1 **SEC. 4107. DISPOSITIONAL HEARINGS.**

2 Section 5037 of title 18, United States Code, is
3 amended—

4 (1) by striking subsection (a) and inserting the
5 following:

6 “(a) IN GENERAL.—

7 “(1) DISPOSITIONAL HEARING.—

8 “(A) IN GENERAL.—In a proceeding under
9 section 5032(a)(1)(D), if the court finds a juve-
10 nile to be a juvenile delinquent, the court shall
11 hold a hearing concerning the appropriate dis-
12 position of the juvenile not later than 40 court
13 days after the finding of juvenile delinquency,
14 unless the court has ordered further study pur-
15 suant to subsection (e).

16 “(B) PREDISPOSITION REPORT.—A pre-
17 disposition report shall be prepared by the pro-
18 bation officer, who shall promptly provide a
19 copy to the juvenile, the juvenile’s counsel, and
20 the attorney for the Government. Victim impact
21 information shall be included in the predisposi-
22 tion report, and victims or, in appropriate
23 cases, their official representatives, shall be pro-
24 vided the opportunity to make a statement to
25 the court in person or to present any informa-
26 tion in relation to the disposition.

1 “(2) ACTIONS OF COURT AFTER HEARING.—

2 After a dispositional hearing under paragraph (1),
 3 after considering any pertinent policy statements
 4 promulgated by the United States Sentencing Com-
 5 mission pursuant to section 994 of title 28, and in
 6 conformance with the guidelines promulgated by the
 7 United States Sentencing Commission pursuant to
 8 section 994(z)(1)(B) of title 28, the court shall—

9 “(A) place the juvenile on probation or
 10 commit the juvenile to official detention (includ-
 11 ing the possibility of a term of supervised re-
 12 lease), and impose any fine that would be au-
 13 thorized if the juvenile had been tried and con-
 14 victed as an adult; and

15 “(B) enter an order of restitution pursuant
 16 to section 3663.”;

17 (2) in subsection (b)—

18 (A) in the matter preceding paragraph (1),
 19 by inserting “or supervised release” after “pro-
 20 bation”;

21 (B) by striking “extend—” and all that
 22 follows through “The provisions” and inserting
 23 the following: “extend, in the case of a juvenile,
 24 beyond the maximum term of probation that
 25 would be authorized by section 3561, or beyond

1 the maximum term of supervised release au-
 2 thorized by section 3583, if the juvenile had
 3 been tried and convicted as an adult. The provi-
 4 sions dealing with supervised release set forth
 5 in section 3583 and the provisions”; and

6 (C) in the last sentence, by inserting “or
 7 supervised release” after “on probation”; and

8 (3) in subsection (c), by striking “may not ex-
 9 tend—” and all that follows through “Section 3624”
 10 and inserting the following: “may not extend beyond
 11 the earlier of the 26th birthday of the juvenile or the
 12 termination date of the maximum term of imprison-
 13 ment, exclusive of any term of supervised release,
 14 that would be authorized if the juvenile had been
 15 tried and convicted as an adult. No juvenile sen-
 16 tenced to a term of imprisonment shall be released
 17 from custody simply because the juvenile attains the
 18 age of 18 years. Section 3624”.

19 **SEC. 4108. USE OF JUVENILE RECORDS.**

20 Section 5038 of title 18, United States Code, is
 21 amended to read as follows:

22 **“§ 5038. Use of juvenile records**

23 “(a) IN GENERAL.—Throughout a juvenile delin-
 24 quency proceeding under section 5032 or 5037, the
 25 records of such proceeding shall be safeguarded from dis-

1 closure to unauthorized persons, and shall only be released
2 to the extent necessary for purposes of—

3 “(1) compliance with section 5032(h);

4 “(2) docketing and processing by the court;

5 “(3) responding to an inquiry received from an-
6 other court of law;

7 “(4) responding to an inquiry from an agency
8 preparing a presentence report for another court;

9 “(5) responding to an inquiry from a law en-
10 forcement agency, if the request for information is
11 related to the investigation of a crime or a position
12 within that agency or analysis requested by the At-
13 torney General;

14 “(6) responding to a written inquiry from the
15 director of a treatment agency or the director of a
16 facility to which the juvenile has been committed by
17 the court;

18 “(7) responding to an inquiry from an agency
19 considering the person for a position immediately
20 and directly affecting national security;

21 “(8) responding to an inquiry from any victim
22 of such juvenile delinquency or, if the victim is de-
23 ceased, from a member of the immediate family of
24 the victim, related to the final disposition of such ju-

1 venile by the court in accordance with section 5032
2 or 5037, as applicable; and

3 “(9) communicating with a victim of such juve-
4 nile delinquency or, in appropriate cases, with the
5 official representative of a victim, in order to—

6 “(A) apprise the victim or representative of
7 the status or disposition of the proceeding;

8 “(B) effectuate any other provision of law;
9 or

10 “(C) assist in the allocution at disposition
11 of the victim or the representative of the victim.

12 “(b) RECORDS OF ADJUDICATION.—

13 “(1) TRANSMISSION TO FBI.—Upon an adju-
14 dication of delinquency under section 5032 or 5037,
15 the court shall transmit to the Director of the Fed-
16 eral Bureau of Investigation a record of such adju-
17 dication.

18 “(2) MAINTAINING RECORDS.—The Director of
19 the Federal Bureau of Investigation shall maintain,
20 in the central repository of the Federal Bureau of
21 Investigation, in accordance with the established
22 practices and policies relating to adult criminal his-
23 tory records of the Federal Bureau of
24 Investigation—

1 “(A) a fingerprint supported record of the
2 Federal adjudication of delinquency of any juve-
3 nile who commits an act that, if committed by
4 an adult, would constitute the offense of mur-
5 der, armed robbery, rape (except statutory
6 rape), or a felony offense involving sexual mo-
7 lestation of a child, or a conspiracy or attempt
8 to commit any such offense, that is equivalent
9 to, and maintained and disseminated in the
10 same manner and for the same purposes, as are
11 adult criminal history records for the same of-
12 fenses; and

13 “(B) a fingerprint supported record of the
14 Federal adjudication of delinquency of any juve-
15 nile who commits an act that, if committed by
16 an adult, would be any offense (other than an
17 offense described in subparagraph (A)) that is
18 equivalent to, and maintained and disseminated
19 in the same manner, as are adult criminal his-
20 tory records for the same offenses—

21 “(i) for use by and within the criminal
22 justice system for the detection, apprehen-
23 sion, detention, pretrial release, post-trial
24 release, prosecution, adjudication, sen-
25 tencing, disposition, correctional super-

1 vision, or rehabilitation of an accused per-
2 son, criminal offender, or juvenile delin-
3 quent; and

4 “(ii) for purposes of responding to an
5 inquiry from an agency considering the
6 subject of the record for a position or
7 clearance immediately and directly affect-
8 ing national security.

9 “(3) AVAILABILITY OF RECORDS TO SCHOOLS
10 IN CERTAIN CIRCUMSTANCES.—Notwithstanding
11 paragraph (2), the Director of the Federal Bureau
12 of Investigation shall make an adjudication record of
13 a juvenile maintained pursuant to subparagraph (A)
14 or (B) of that paragraph, or conviction record de-
15 scribed in subsection (d), available to an official of
16 an elementary, secondary, or post-secondary school,
17 in appropriate circumstances (as defined by and
18 under rules issued by the Attorney General), if—

19 “(A) the subject of the record is a student
20 enrolled at the school, or a juvenile who seeks,
21 intends, or is instructed to enroll at that school;

22 “(B) the school official is subject to the
23 same standards and penalties under applicable
24 Federal and State law relating to the handling
25 and disclosure of information contained in juve-

1 nile adjudication records as are employees of
 2 law enforcement and juvenile justice agencies in
 3 the State; and

4 “(C) information contained in the record is
 5 not used for the purpose of making an admis-
 6 sion determination.

7 “(c) NOTIFICATION OF RIGHTS.—A district court of
 8 the United States that exercises jurisdiction over a juve-
 9 nile shall notify the juvenile, and a parent or guardian
 10 of the juvenile, in writing, and in clear and nontechnical
 11 language, of the rights of the juvenile relating to the adju-
 12 dication record of the juvenile.

13 “(d) RECORDS OF JUVENILES TRIED AS ADULTS.—
 14 In any case in which a juvenile is tried as an adult in
 15 Federal court, the Federal criminal record of the juvenile
 16 shall be made available in the same manner as is applica-
 17 ble to the records of adult defendants.”.

18 **SEC. 4109. IMPLEMENTATION OF A SENTENCE FOR JUE-**
 19 **NILE OFFENDERS.**

20 (a) IN GENERAL.—Section 5039 of title 18, United
 21 States Code, is amended to read as follows:

22 **“§ 5039. Implementation of a sentence**

23 “(a) IN GENERAL.—Except as otherwise provided in
 24 this chapter, the sentence for a juvenile who is adjudicated
 25 delinquent or found guilty of an offense under any pro-

ceeding in a district court of the United States under section 5032 shall be carried out in the same manner as for an adult defendant.

“(b) SENTENCES OF IMPRISONMENT, PROBATION, AND SUPERVISED RELEASE.—Subject to subsection (d), the implementation of a sentence of imprisonment is governed by subchapter C of chapter 229 and, if the sentence includes a term of probation or supervised release, by subchapter A of chapter 229.

“(c) SENTENCES OF FINES AND ORDERS OF RESTITUTION; SPECIAL ASSESSMENTS.—

“(1) IN GENERAL.—A sentence of a fine, an order of restitution, or a special assessment under section 3013 shall be implemented and collected in the same manner as for an adult defendant.

“(2) PROHIBITION.—The parent, guardian, or custodian of a juvenile sentenced to pay a fine or ordered to pay restitution or a special assessment under section 3013 may not be made liable for such payment by any court.

“(d) SEGREGATION OF JUVENILES; CONDITIONS OF CONFINEMENT.—

“(1) IN GENERAL.—No juvenile committed for incarceration, whether pursuant to an adjudication of delinquency or conviction for an offense, to the

1 custody of the Attorney General may, before the ju-
2 venile attains the age of 18 years, be placed or re-
3 tained in any jail or correctional institution in which
4 the juvenile has prohibited physical contact with
5 adult inmate or can engage in sustained oral com-
6 munication with adult inmates. To the extent prac-
7 ticable, violent juveniles shall be kept separate from
8 nonviolent juveniles.

9 “(2) REQUIREMENTS.—Each juvenile who is
10 committed for incarceration shall be provided with—

11 “(A) adequate food, heat, light, sanitary
12 facilities, bedding, clothing, and recreation; and

13 “(B) as appropriate, counseling, education,
14 training, and medical care (including necessary
15 psychiatric, psychological, or other care or
16 treatment).

17 “(3) COMMITMENT TO FOSTER HOME OR COM-
18 MUNITY-BASED FACILITY.—Except in the case of a
19 juvenile who is found guilty of a violent felony or
20 who is adjudicated delinquent for an offense that
21 would be a violent felony if the juvenile had been
22 prosecuted as an adult, the Attorney General shall
23 commit a juvenile to a foster home or community-
24 based facility located in or near his home community
25 if that commitment is—

1 “(A) practicable;

2 “(B) in the best interest of the juvenile;

3 and

4 “(C) consistent with the safety of the com-
5 munity.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—

7 The analysis for chapter 403 of title 18, United States
8 Code, is amended by striking the item relating to section
9 5039 and inserting the following:

“5039. Implementation of a sentence.”.

10 **SEC. 4110. MAGISTRATE JUDGE AUTHORITY REGARDING**
11 **JUVENILE DEFENDANTS.**

12 Section 3401(g) of title 18, United States Code, is
13 amended—

14 (1) in the second sentence, by inserting after
15 “magistrate judge may, in any” the following: “class
16 A misdemeanor or any”; and

17 (2) in the third sentence, by striking “, except
18 that no” and all that follows before the period at the
19 end of the subsection.

20 **SEC. 4111. FEDERAL SENTENCING GUIDELINES.**

21 (a) APPLICATION OF GUIDELINES TO CERTAIN JU-
22 VENILE DEFENDANTS.—Section 994(h) of title 28, United
23 States Code, is amended by inserting “, or in which the
24 defendant is a juvenile who is tried as an adult,” after
25 “old or older”.

1 (b) GUIDELINES FOR JUVENILE CASES.—

2 (1) IN GENERAL.—Section 994 of title 28,
3 United States Code, is amended by adding at the
4 end the following:

5 “(z) GUIDELINES FOR JUVENILE CASES.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of the Violent and Repeat Ju-
8 venile Offender Accountability and Rehabilitation
9 Act of 1999, the Commission, by affirmative vote of
10 not less than 4 members of the Commission, and
11 pursuant to its rules and regulations and consistent
12 with all pertinent provisions of any Federal statute,
13 shall promulgate and distribute to all courts of the
14 United States and to the United States Probation
15 System—

16 “(A) guidelines, as described in this sec-
17 tion, for use by a sentencing court in deter-
18 mining the sentence to be imposed in a criminal
19 case if the defendant committed the offense as
20 a juvenile, and is tried as an adult pursuant to
21 section 5032 of title 18, United States Code;
22 and

23 “(B) guidelines, as described in this sec-
24 tion, for use by a court in determining the sen-
25 tence to be imposed on a juvenile adjudicated

1 delinquent pursuant to section 5032 of title 18,
2 United States Code, and sentenced pursuant to
3 a dispositional hearing under section 5037 of
4 title 18, United States Code.

5 “(2) DETERMINATIONS.—In carrying out this
6 subsection, the Commission shall make the deter-
7 minations required by subsection (a)(1) and promul-
8 gate the policy statements and guidelines required
9 by paragraphs (2) and (3) of subsection (a).

10 “(3) CONSIDERATIONS.—In addition to any
11 other considerations required by this section, the
12 Commission, in promulgating guidelines—

13 “(A) pursuant to paragraph (1)(A), shall
14 presume the appropriateness of adult sen-
15 tencing provisions, but may make such adjust-
16 ments to sentence lengths and to provisions
17 governing downward departures from the guide-
18 lines as reflect the specific interests and cir-
19 cumstances of juvenile defendants; and

20 “(B) pursuant to paragraph (1)(B), shall
21 ensure that the guidelines—

22 “(i) reflect the broad range of sen-
23 tencing options available to the court
24 under section 5037 of title 18, United
25 States Code; and

1 “(ii) effectuate a policy of an account-
 2 ability-based juvenile justice system that
 3 provides substantial and appropriate sanc-
 4 tions, that are graduated to reflect the se-
 5 verity or repeated nature of violations, for
 6 each delinquent act, and reflect the specific
 7 interests and circumstances of juvenile de-
 8 fendants.

9 “(4) REVIEW PERIOD.—The review period spec-
 10 ified by subsection (p) applies to guidelines promul-
 11 gated pursuant to this subsection and any amend-
 12 ments to those guidelines.”.

13 (2) TECHNICAL CORRECTION TO ASSURE COM-
 14 PLIANCE OF SENTENCING GUIDELINES WITH PROVI-
 15 SIONS OF ALL FEDERAL STATUTES.—Section 994(a)
 16 of title 28, United States Code, is amended by strik-
 17 ing “consistent with all pertinent provisions of this
 18 title and title 18, United States Code,” and inserting
 19 “consistent with all pertinent provisions of any Fed-
 20 eral statute”.

21 **SEC. 4112. STUDY AND REPORT ON INDIAN TRIBAL JURIS-**
 22 **DICTION.**

23 Not later than 18 months after the date of enactment
 24 of this Act, the Attorney General shall conduct a study
 25 of the juvenile justice systems of Indian tribes (as defined

1 in section 4(e) of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 450b(e))) and shall re-
3 port to the Chairman and Ranking Member of the Com-
4 mittee on the Judiciary and the Committee on Indian Af-
5 fairs of the Senate and the Chairman and Ranking Mem-
6 ber of the Committee on the Judiciary of the House of
7 Representatives on—

8 (1) the extent to which tribal governments are
9 equipped to adjudicate felonies, misdemeanors, and
10 acts of delinquency committed by juveniles subject to
11 tribal jurisdiction; and

12 (2) the need for and benefits from expanding
13 the jurisdiction of tribal courts and the authority to
14 impose the same sentences that can be imposed by
15 Federal or State courts on such juveniles.

1 **Subtitle B—Juvenile Crime Con-**
 2 **trol, Accountability, and Delin-**
 3 **quency Prevention**

4 **CHAPTER 1—REFORM OF THE JUVENILE**
 5 **JUSTICE AND DELINQUENCY PREVEN-**
 6 **TION ACT OF 1974**

7 **SEC. 4201. FINDINGS; DECLARATION OF PURPOSE; DEFINI-**
 8 **TIONS.**

9 Title I of the Juvenile Justice and Delinquency Pre-
 10 vention Act of 1974 (42 U.S.C. 5601 et seq.) is amended
 11 to read as follows:

12 **“TITLE I—FINDINGS AND**
 13 **DECLARATION OF PURPOSE**

14 **“SEC. 101. FINDINGS.**

15 “Congress makes the following findings:

16 “(1) During the past decade, the United States
 17 has experienced an alarming increase in arrests of
 18 adolescents for murder, assault, and weapons of-
 19 fenses.

20 “(2) In 1994, juveniles accounted for 1 in 5 ar-
 21 rests for violent crimes, including murder, robbery,
 22 aggravated assault, and rape, including 514 such ar-
 23 rests per 100,000 juveniles 10 through 17 years of
 24 age.

1 “(3) Understaffed and overcrowded juvenile
2 courts, prosecutorial and public defender offices,
3 probation services, and correctional facilities no
4 longer adequately address the changing nature of ju-
5 venile crime, protect the public, or correct youth of-
6 fenders.

7 “(4) The juvenile justice system has proven in-
8 adequate to meet the needs of society and the needs
9 of children who may be at risk of becoming
10 delinquents are not being met.

11 “(5) Existing programs and policies have not
12 adequately responded to the particular threats that
13 drugs, alcohol abuse, violence, and gangs pose to the
14 youth of the Nation.

15 “(6) Projected demographic increases in the
16 number of youth offenders require reexamination of
17 current prosecution and incarceration policies for se-
18 rious violent youth offenders and crime prevention
19 policies.

20 “(7) State and local communities require assist-
21 ance to deal comprehensively with the problems of
22 juvenile delinquency.

23 “(8) Existing Federal programs have not pro-
24 vided the States with necessary flexibility, nor have
25 these programs provided the coordination, resources,

1 and leadership required to meet the crisis of youth
2 violence.

3 “(9) Overlapping and uncoordinated Federal
4 programs have created a multitude of Federal fund-
5 ing streams to States and units of local government,
6 that have become a barrier to effective program co-
7 ordination, responsive public safety initiatives, and
8 the provision of comprehensive services for children
9 and youth.

10 “(10) Violent crime by juveniles constitutes a
11 growing threat to the national welfare that requires
12 an immediate and comprehensive governmental re-
13 sponse, combining flexibility and coordinated evalua-
14 tion.

15 “(11) The role of the Federal Government
16 should be to encourage and empower communities to
17 develop and implement policies to protect adequately
18 the public from serious juvenile crime as well as im-
19 plement quality prevention programs that work with
20 at-risk juveniles, their families, local public agencies,
21 and community-based organizations.

22 “(12) A strong partnership among law enforce-
23 ment, local government, juvenile and family courts,
24 schools, businesses, philanthropic organizations,
25 families, and the religious community, can create a

1 community environment that supports the youth of
2 the Nation in reaching their highest potential and
3 reduces the destructive trend of juvenile crime.

4 **“SEC. 102. PURPOSE AND STATEMENT OF POLICY.**

5 “(a) IN GENERAL.—The purposes of this Act are
6 to—

7 “(1) empower States and communities to de-
8 velop and implement comprehensive programs that
9 support families, reduce risk factors, and prevent se-
10 rious youth crime and juvenile delinquency;

11 “(2) protect the public and to hold juveniles ac-
12 countable for their acts;

13 “(3) encourage and promote, consistent with
14 the ideals of federalism, the adoption by the States
15 of policies recognizing the rights of victims in the ju-
16 venile justice system, and ensuring that the victims
17 of violent crimes committed by juveniles receive the
18 same level of justice as do the victims of violent
19 crimes committed by adults;

20 “(4) provide for the thorough and ongoing eval-
21 uation of all federally funded programs addressing
22 juvenile crime and delinquency;

23 “(5) provide technical assistance to public and
24 private nonprofit entities that protect public safety,
25 administer justice and corrections to delinquent

1 youth, or provide services to youth at risk of delin-
2 quency, and their families;

3 “(6) establish a centralized research effort on
4 the problems of youth crime and juvenile delin-
5 quency, including the dissemination of the findings
6 of such research and all related data;

7 “(7) establish a Federal assistance program to
8 deal with the problems of runaway and homeless
9 youth;

10 “(8) assist States and units of local government
11 in improving the administration of justice for juve-
12 niles;

13 “(9) assist the States and units of local govern-
14 ment in reducing the level of youth violence and ju-
15 venile delinquency;

16 “(10) assist States and units of local govern-
17 ment in promoting public safety by supporting juve-
18 nile delinquency prevention and control activities;

19 “(11) encourage and promote programs de-
20 signed to keep in school juvenile delinquents expelled
21 or suspended for disciplinary reasons;

22 “(12) assist States and units of local govern-
23 ment in promoting public safety by encouraging ac-
24 countability for acts of juvenile delinquency;

1 “(13) assist States and units of local govern-
2 ment in promoting public safety by improving the
3 extent, accuracy, availability and usefulness of juve-
4 nile court and law enforcement records and the
5 openness of the juvenile justice system;

6 “(14) assist States and units of local govern-
7 ment in promoting public safety by encouraging the
8 identification of violent and hardcore juveniles;

9 “(15) assist States and units of local govern-
10 ment in promoting public safety by providing re-
11 sources to States to build or expand juvenile deten-
12 tion facilities;

13 “(16) provide for the evaluation of federally as-
14 sisted juvenile crime control programs, and the
15 training necessary for the establishment and oper-
16 ation of such programs;

17 “(17) ensure the dissemination of information
18 regarding juvenile crime control programs by pro-
19 viding a national clearinghouse; and

20 “(18) provide technical assistance to public and
21 private nonprofit juvenile justice and delinquency
22 prevention programs.

23 “(b) STATEMENT OF POLICY.—It is the policy of
24 Congress to provide resources, leadership, and coordina-
25 tion to—

1 “(1) combat youth violence and to prosecute
2 and punish effectively violent juvenile offenders;

3 “(2) enhance efforts to prevent juvenile crime
4 and delinquency; and

5 “(3) improve the quality of juvenile justice in
6 the United States.

7 **“SEC. 103. DEFINITIONS.**

8 “In this Act:

9 “(1) ADMINISTRATOR.—The term ‘Adminis-
10 trator’ means the Administrator of the Office of Ju-
11 venile Crime Control and Prevention, appointed in
12 accordance with section 201.

13 “(2) ADULT INMATE.—The term ‘adult inmate’
14 means an individual who—

15 “(A) has reached the age of full criminal
16 responsibility under applicable State law; and

17 “(B) has been arrested and is in custody
18 for, awaiting trial on, or convicted of criminal
19 charges.

20 “(3) BOOT CAMP.—The term ‘boot camp’
21 means a residential facility (excluding a private resi-
22 dence) at which there are provided—

23 “(A) a highly regimented schedule of dis-
24 cipline, physical training, work, drill, and cere-
25 mony characteristic of military basic training;

1 “(B) regular, remedial, special, and voca-
2 tional education; and

3 “(C) counseling and treatment for sub-
4 stance abuse and other health and mental
5 health problems.

6 “(4) BUREAU OF JUSTICE ASSISTANCE.—The
7 term ‘Bureau of Justice Assistance’ means the bu-
8 reau established by section 401 of title I of the Om-
9 nibus Crime Control and Safe Streets Act of 1968
10 (42 U.S.C. 3741).

11 “(5) BUREAU OF JUSTICE STATISTICS.—The
12 term ‘Bureau of Justice Statistics’ means the bu-
13 reau established by section 302(a) of title I of the
14 Omnibus Crime Control and Safe Streets Act of
15 1968 (42 U.S.C. 3732).

16 “(6) COLLOCATED FACILITIES.—The term ‘col-
17 located facilities’ means facilities that are located in
18 the same building, or are part of a related complex
19 of buildings located on the same grounds.

20 “(7) COMBINATION.—The term ‘combination’
21 as applied to States or units of local government
22 means any grouping or joining together of such
23 States or units for the purpose of preparing, devel-
24 oping, or implementing a juvenile crime control and
25 delinquency prevention plan.

1 “(8) COMMUNITY-BASED.—The term ‘commu-
2 nity-based’ facility, program, or service means a
3 small, open group home or other suitable place lo-
4 cated near the juvenile’s home or family and pro-
5 grams of community supervision and service that
6 maintain community and consumer participation in
7 the planning operation, and evaluation of their pro-
8 grams which may include, medical, educational, vo-
9 cational, social, and psychological guidance, training,
10 special education, counseling, alcoholism treatment,
11 drug treatment, and other rehabilitative services.

12 “(9) COMPREHENSIVE AND COORDINATED SYS-
13 TEM OF SERVICES.—The term ‘comprehensive and
14 coordinated system of services’ means a system
15 that—

16 “(A) ensures that services and funding for
17 the prevention and treatment of juvenile delin-
18 quency are consistent with policy goals of pre-
19 serving families and providing appropriate serv-
20 ices in the least restrictive environment so as to
21 simultaneously protect juveniles and maintain
22 public safety;

23 “(B) identifies, and intervenes early for
24 the benefit of, young children who are at risk
25 of developing emotional or behavioral problems

1 because of physical or mental stress or abuse,
2 and for the benefit of their families;

3 “(C) increases interagency collaboration
4 and family involvement in the prevention and
5 treatment of juvenile delinquency; and

6 “(D) encourages private and public part-
7 nerships in the delivery of services for the pre-
8 vention and treatment of juvenile delinquency.

9 “(10) CONSTRUCTION.—The term ‘construc-
10 tion’ means erection of new buildings or acquisition,
11 expansion, remodeling, and alteration of existing
12 buildings, and initial equipment of any such build-
13 ings, or any combination of such activities (including
14 architects’ fees but not the cost of acquisition of
15 land for buildings).

16 “(11) FEDERAL JUVENILE CRIME CONTROL,
17 PREVENTION, AND JUVENILE OFFENDER ACCOUNT-
18 ABILITY PROGRAM.—The term ‘Federal juvenile
19 crime control, prevention, and juvenile offender ac-
20 countability program’ means any Federal program a
21 primary objective of which is the prevention of juve-
22 nile crime or reduction of the incidence of arrest, the
23 commission of criminal acts or acts of delinquency,
24 violence, the use of alcohol or illegal drugs, or the
25 involvement in gangs among juveniles.

1 “(12) GENDER-SPECIFIC SERVICES.—The term
2 ‘gender-specific services’ means services designed to
3 address needs unique to the gender of the individual
4 to whom such services are provided.

5 “(13) GRADUATED SANCTIONS.—The term
6 ‘graduated sanctions’ means an accountability-based
7 juvenile justice system that protects the public, and
8 holds juvenile delinquents accountable for acts of de-
9 linquency by providing substantial and appropriate
10 sanctions that are graduated in such a manner as to
11 reflect (for each act of delinquency or offense) the
12 severity or repeated nature of that act or offense.

13 “(14) HOME-BASED ALTERNATIVE SERVICES.—
14 The term ‘home-based alternative services’ means
15 services provided to a juvenile in the home of the ju-
16 venile as an alternative to incarcerating the juvenile,
17 and includes home detention.

18 “(15) INDIAN TRIBE.—The term ‘Indian tribe’
19 means any Indian tribe, band, nation, or other orga-
20 nized group or community, including any Alaska Na-
21 tive village or regional or village corporation as de-
22 fined in or established pursuant to the Alaska Na-
23 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
24 that is recognized as eligible for the special pro-

grams and services provided by the United States to Indians because of their status as Indians.

“(16) JUVENILE.—The term ‘juvenile’ means a person who has not attained the age of 18 years who is subject to delinquency proceedings under applicable State law.

“(17) JUVENILE POPULATION.—The term ‘juvenile population’ means the population of a State under 18 years of age.

“(18) JAIL OR LOCKUP FOR ADULTS.—The term ‘jail or lockup for adults’ means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

“(A) pending the filing of a charge of violating a criminal law;

“(B) awaiting trial on a criminal charge;
or

“(C) convicted of violating a criminal law.

“(19) JUVENILE DELINQUENCY PROGRAM.—The term ‘juvenile delinquency program’ means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

1 “(A) drug and alcohol abuse programs;

2 “(B) the improvement of the juvenile jus-
3 tice system; and

4 “(C) any program or activity that is de-
5 signed to reduce known risk factors for juvenile
6 delinquent behavior, by providing activities that
7 build on protective factors for, and develop com-
8 petencies in, juveniles to prevent and reduce the
9 rate of delinquent juvenile behavior.

10 “(20) LAW ENFORCEMENT AND CRIMINAL JUS-
11 TICE.—The term ‘law enforcement and criminal jus-
12 tice’ means any activity pertaining to crime preven-
13 tion, control, or reduction or the enforcement of the
14 criminal law, including, but not limited to police ef-
15 forts to prevent, control, or reduce crime or to ap-
16 prehend criminals, activities of courts having crimi-
17 nal jurisdiction and related agencies (including pros-
18 ecutorial and defender services), activities of correc-
19 tions, probation, or parole authorities, and programs
20 relating to the prevention, control, or reduction of
21 juvenile delinquency or narcotic addiction.

22 “(21) NATIONAL INSTITUTE OF JUSTICE.—The
23 term ‘National Institute of Justice’ means the insti-
24 tute established by section 202(a) of title I of the

1 Omnibus Crime Control and Safe Streets Act of
2 1968 (42 U.S.C. 3721).

3 “(22) NONPROFIT ORGANIZATION.—The term
4 ‘nonprofit organization’ means an organization de-
5 scribed in section 501(c)(3) of the Internal Revenue
6 Code of 1986 that is exempt from taxation under
7 section 501(a) of the Internal Revenue Code of
8 1986.

9 “(23) OFFICE.—The term ‘Office’ means the
10 Office of Juvenile Crime Control and Prevention es-
11 tablished under section 201.

12 “(24) OFFICE OF JUSTICE PROGRAMS.—The
13 term ‘Office of Justice Programs’ means the office
14 established by section 101 of title I of the Omnibus
15 Crime Control and Safe Streets Act of 1968 (42
16 U.S.C. 3711).

17 “(25) OUTCOME OBJECTIVE.—The term ‘out-
18 come objective’ means an objective that relates to
19 the impact of a program or initiative, that measures
20 the reduction of high risk behaviors, such as inci-
21 dence of arrest, the commission of criminal acts or
22 acts of delinquency, failure in school, violence, the
23 use of alcohol or illegal drugs, involvement of youth
24 gangs, and teenage pregnancy, among youth in the
25 community.

1 “(26) PROCESS OBJECTIVE.—The term ‘process
2 objective’ means an objective that relates to the
3 manner in which a program or initiative is carried
4 out, including—

5 “(A) an objective relating to the degree to
6 which the program or initiative is reaching the
7 target population; and

8 “(B) an objective relating to the degree to
9 which the program or initiative addresses
10 known risk factors for youth problem behaviors
11 and incorporates activities that inhibit the be-
12 haviors and that build on protective factors for
13 youth.

14 “(27) PROHIBITED PHYSICAL CONTACT.—

15 “(A) IN GENERAL.—The term ‘prohibited
16 physical contact’ means—

17 “(i) any physical contact between a
18 juvenile and an adult inmate; and

19 “(ii) proximity that provides an op-
20 portunity for physical contact between a
21 juvenile and an adult inmate.

22 “(B) EXCLUSION.—The term does not in-
23 clude supervised proximity between a juvenile
24 and an adult inmate that is brief and incidental
25 or accidental.

1 “(28) RELATED COMPLEX OF BUILDINGS.—The
2 term ‘related complex of buildings’ means 2 or more
3 buildings that share—

4 “(A) physical features, such as walls and
5 fences, or services beyond mechanical services
6 (heating, air conditioning, water and sewer); or

7 “(B) the specialized services that are al-
8 lowable under section 31.303(e)(3)(i)(C)(3) of
9 title 28, Code of Federal Regulations, as in ef-
10 fect on December 10, 1996.

11 “(29) SECURE CORRECTIONAL FACILITY.—The
12 term ‘secure correctional facility’ means any public
13 or private residential facility that—

14 “(A) includes construction fixtures de-
15 signed to physically restrict the movements and
16 activities of juveniles or other individuals held
17 in lawful custody in such facility; and

18 “(B) is used for the placement, after adju-
19 dication and disposition, of any juvenile who
20 has been adjudicated as having committed an
21 offense or any other individual convicted of a
22 criminal offense.

23 “(30) SECURE DETENTION FACILITY.—The
24 term ‘secure detention facility’ means any public or
25 private residential facility that—

1 “(A) includes construction fixtures de-
2 signed to physically restrict the movements and
3 activities of juveniles or other individuals held
4 in lawful custody in such facility; and

5 “(B) is used for the temporary placement
6 of any juvenile who is accused of having com-
7 mitted an offense or of any other individual ac-
8 cused of having committed a criminal offense.

9 “(31) SERIOUS CRIME.—The term ‘serious
10 crime’ means criminal homicide, forcible rape or
11 other sex offenses punishable as a felony, mayhem,
12 kidnapping, aggravated assault, drug trafficking,
13 robbery, larceny or theft punishable as a felony,
14 motor vehicle theft, burglary or breaking and enter-
15 ing, extortion accompanied by threats of violence,
16 and arson punishable as a felony.

17 “(32) STATE.—The term ‘State’ means any
18 State of the United States, the District of Columbia,
19 the Commonwealth of Puerto Rico, the Virgin Is-
20 lands, Guam, American Samoa, and the Common-
21 wealth of the Northern Mariana Islands.

22 “(33) STATE OFFICE.—The term ‘State office’
23 means an office designated by the chief executive of-
24 ficer of a State to carry out this title, as provided

1 in section 507 of the Omnibus Crime Control and
2 Safe Streets Act of 1968 (42 U.S.C. 3757).

3 “(34) SUSTAINED ORAL COMMUNICATION.—

4 “(A) IN GENERAL.—The term ‘sustained
5 oral communication’ means the imparting or
6 interchange of speech by or between an adult
7 inmate and a juvenile.

8 “(B) EXCEPTION.—The term does not
9 include—

10 “(i) communication that is accidental
11 or incidental; or

12 “(ii) sounds or noises that cannot rea-
13 sonably be considered to be speech.

14 “(35) TREATMENT.—The term ‘treatment’ in-
15 cludes medical and other rehabilitative services de-
16 signed to protect the public, including any services
17 designed to benefit addicts and other users by—

18 “(A) eliminating their dependence on alco-
19 hol or other addictive or nonaddictive drugs; or

20 “(B) controlling or reducing their depend-
21 ence and susceptibility to addiction or use.

22 “(36) UNIT OF LOCAL GOVERNMENT.—The
23 term ‘unit of local government’ means—

1 “(A) any city, county, township, town, bor-
2 ough, parish, village, or other general purpose
3 political subdivision of a State;

4 “(B) any law enforcement district or judi-
5 cial enforcement district that—

6 “(i) is established under applicable
7 State law; and

8 “(ii) has the authority to, in a manner
9 independent of other State entities, estab-
10 lish a budget and raise revenues;

11 “(C) an Indian tribe that performs law en-
12 forcement functions, as determined by the Sec-
13 retary of the Interior; or

14 “(D) for the purposes of assistance eligi-
15 bility, any agency of the government of the Dis-
16 trict of Columbia or the Federal Government
17 that performs law enforcement functions in and
18 for—

19 “(i) the District of Columbia; or

20 “(ii) any Trust Territory of the
21 United States.

22 “(37) VALID COURT ORDER.—The term ‘valid
23 court order’ means a court order given by a juvenile
24 court judge to a juvenile—

1 “(A) who was brought before the court and
2 made subject to such order; and

3 “(B) who received, before the issuance of
4 such order, the full due process rights guaran-
5 teed to such juvenile by the Constitution of the
6 United States.

7 “(38) VIOLENT CRIME.—The term ‘violent
8 crime’ means—

9 “(A) murder or nonnegligent man-
10 slaughter, forcible rape, or robbery; or

11 “(B) aggravated assault committed with
12 the use of a firearm.

13 “(39) YOUTH.—The term ‘youth’ means an in-
14 dividual who is not less than 6 years of age and not
15 more than 17 years of age.”.

16 **SEC. 4202. JUVENILE CRIME CONTROL AND PREVENTION.**

17 (a) IN GENERAL.—Title II of the Juvenile Justice
18 and Delinquency Prevention Act of 1974 (42 U.S.C. 5611
19 et seq.) is amended to read as follows:

1 **“TITLE II—JUVENILE CRIME**
2 **CONTROL AND PREVENTION**
3 **“PART A—OFFICE OF JUVENILE CRIME CONTROL**
4 **AND PREVENTION**

5 **“SEC. 201. ESTABLISHMENT OF OFFICE.**

6 “(a) IN GENERAL.—There is established in the De-
7 partment of Justice, under the general authority of the
8 Attorney General, an Office of Juvenile Crime Control and
9 Prevention.

10 “(b) ADMINISTRATOR.—

11 “(1) IN GENERAL.—The Office shall be headed
12 by an Administrator, who shall be appointed by the
13 President, by and with the advice and consent of the
14 Senate, from among individuals who have had expe-
15 rience in juvenile delinquency prevention and crime
16 control programs.

17 “(2) REGULATIONS.—The Administrator may
18 prescribe regulations consistent with this Act to
19 award, administer, modify, extend, terminate, mon-
20 itor, evaluate, reject, or deny all grants and con-
21 tracts from, and applications for, amounts made
22 available under this title.

23 “(3) RELATIONSHIP TO ATTORNEY GENERAL.—
24 The Administrator shall have the same reporting re-
25 lationship with the Attorney General as the directors

1 of other offices and bureaus within the Office of
2 Justice Programs have with the Attorney General.

3 “(c) DEPUTY ADMINISTRATOR.—There shall be in
4 the Office a Deputy Administrator, who shall be appointed
5 by the Attorney General. The Deputy Administrator shall
6 perform such functions as the Administrator may assign
7 or delegate and shall act as the Administrator during the
8 absence or disability of the Administrator.

9 “(d) ASSOCIATE ADMINISTRATOR.—

10 “(1) IN GENERAL.—There shall be in the Office
11 an Associate Administrator, who shall be appointed
12 by the Administrator, and who shall be treated as a
13 career reserved position within the meaning of sec-
14 tion 3132 of title 5, United States Code.

15 “(2) DUTIES.—The duties of the Associate Ad-
16 ministrator shall include keeping Congress, other
17 Federal agencies, outside organizations, and State
18 and local government officials informed about activi-
19 ties carried out by the Office.

20 “(e) DELEGATION AND ASSIGNMENT.—

21 “(1) IN GENERAL.—Except as otherwise ex-
22 pressly prohibited by law or otherwise provided by
23 this title, the Administrator may—

24 “(A) delegate any of the functions of the
25 Administrator, and any function transferred or

1 granted to the Administrator after the date of
2 enactment of the Violent and Repeat Juvenile
3 Offender Accountability and Rehabilitation Act
4 of 1999, to such officers and employees of the
5 Office as the Administrator may designate; and

6 “(B) authorize successive redelegations of
7 such functions as may be necessary or appro-
8 priate.

9 “(2) RESPONSIBILITY.—No delegation of func-
10 tions by the Administrator under this subsection or
11 under any other provision of this title shall relieve
12 the Administrator of responsibility for the adminis-
13 tration of such functions.

14 “(f) REORGANIZATION.—The Administrator may al-
15 locate or reallocate any function transferred among the
16 officers of the Office, and establish, consolidate, alter, or
17 discontinue such organizational entities in that Office as
18 may be necessary or appropriate.

19 **“SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS,**
20 **AND CONSULTANTS.**

21 “(a) IN GENERAL.—The Administrator may select,
22 employ, and fix the compensation of such officers and em-
23 ployees, including attorneys, as are necessary to perform
24 the functions vested in the Administrator and to prescribe
25 their functions.

1 “(b) OFFICERS.—The Administrator may select, ap-
2 point, and employ not to exceed 4 officers and to fix their
3 compensation at rates not to exceed the maximum rate
4 payable under section 5376 of title 5, United States Code.

5 “(c) DETAIL OF FEDERAL PERSONNEL.—Upon the
6 request of the Administrator, the head of any Federal
7 agency may detail, on a reimbursable basis, any of its per-
8 sonnel to the Administrator to assist the Administrator
9 in carrying out the functions of the Administrator under
10 this title.

11 “(d) SERVICES.—The Administrator may obtain
12 services as authorized by section 3109 of title 5, United
13 States Code, at rates not to exceed the rate now or here-
14 after payable under section 5376 of title 5, United States
15 Code.

16 **“SEC. 203. VOLUNTARY SERVICE.**

17 “The Administrator may accept and employ, in car-
18 rying out the provisions of this Act, voluntary and uncom-
19 pensated services notwithstanding the provisions of section
20 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

21 **“SEC. 204. NATIONAL PROGRAM.**

22 “(a) NATIONAL JUVENILE CRIME CONTROL, PRE-
23 VENTION, AND JUVENILE OFFENDER ACCOUNTABILITY
24 PLAN.—

1 “(1) IN GENERAL.—Subject to the general au-
2 thority of the Attorney General, the Administrator
3 shall develop objectives, priorities, and short- and
4 long-term plans, and shall implement overall policy
5 and a strategy to carry out such plan, for all Fed-
6 eral juvenile crime control, prevention, and juvenile
7 offender accountability programs and activities relat-
8 ing to improving juvenile crime control, the rehabili-
9 tation of juvenile offenders, the prevention of juve-
10 nile crime, and the enhancement of accountability by
11 offenders within the juvenile justice system in the
12 United States.

13 “(2) CONTENTS OF PLANS.—

14 “(A) IN GENERAL.—Each plan described
15 in paragraph (1) shall—

16 “(i) contain specific, measurable goals
17 and criteria for reducing the incidence of
18 crime and delinquency among juveniles,
19 improving juvenile crime control, and en-
20 suring accountability by offenders within
21 the juvenile justice system in the United
22 States, and shall include criteria for any
23 discretionary grants and contracts, for con-
24 ducting research, and for carrying out
25 other activities under this title;

1 “(ii) provide for coordinating the ad-
2 ministration of programs and activities
3 under this title with the administration of
4 all other Federal juvenile crime control,
5 prevention, and juvenile offender account-
6 ability programs and activities, including
7 proposals for joint funding to be coordi-
8 nated by the Administrator;

9 “(iii) provide a detailed summary and
10 analysis of the most recent data available
11 regarding the number of juveniles taken
12 into custody, the rate at which juveniles
13 are taken into custody, the time served by
14 juveniles in custody, and the trends dem-
15 onstrated by such data;

16 “(iv) provide a description of the ac-
17 tivities for which amounts are expended
18 under this title;

19 “(v) provide specific information relat-
20 ing to the attainment of goals set forth in
21 the plan, including specific, measurable
22 standards for assessing progress toward
23 national juvenile crime reduction and juve-
24 nile offender accountability goals; and

1 “(vi) provide for the coordination of
2 Federal, State, and local initiatives for the
3 reduction of youth crime, preventing delin-
4 quency, and ensuring accountability for ju-
5 venile offenders.

6 “(B) SUMMARY AND ANALYSIS.—Each
7 summary and analysis under subparagraph
8 (A)(iii) shall set out the information required by
9 clauses (i), (ii), and (iii) of this subparagraph
10 separately for juvenile nonoffenders, juvenile
11 status offenders, and other juvenile offenders.
12 Such summary and analysis shall separately ad-
13 dress with respect to each category of juveniles
14 specified in the preceding sentence—

15 “(i) the types of offenses with which
16 the juveniles are charged;

17 “(ii) the ages of the juveniles;

18 “(iii) the types of facilities used to
19 hold the juveniles (including juveniles
20 treated as adults for purposes of prosecu-
21 tion) in custody, including secure detention
22 facilities, secure correctional facilities, jails,
23 and lockups;

24 “(iv) the length of time served by ju-
25 veniles in custody; and

1 “(v) the number of juveniles who died
2 or who suffered serious bodily injury while
3 in custody and the circumstances under
4 which each juvenile died or suffered such
5 injury.

6 “(C) DEFINITION OF SERIOUS BODILY IN-
7 JURY.—In this paragraph, the term ‘serious
8 bodily injury’ means bodily injury involving ex-
9 treme physical pain or the impairment of a
10 function of a bodily member, organ, or mental
11 faculty that requires medical intervention such
12 as surgery, hospitalization, or physical rehabili-
13 tation.

14 “(3) ANNUAL REVIEW.—The Administrator
15 shall annually—

16 “(A) review each plan submitted under this
17 subsection;

18 “(B) revise the plans, as the Administrator
19 considers appropriate; and

20 “(C) not later than March 1 of each year,
21 present the plans to the Committee on the Ju-
22 diciary of the Senate and the Committee on
23 Education and the Workforce of the House of
24 Representatives.

1 “(b) DUTIES OF ADMINISTRATOR.—In carrying out
2 this title, the Administrator shall—

3 “(1) advise the President through the Attorney
4 General as to all matters relating to federally as-
5 sisted juvenile crime control, prevention, and juvenile
6 offender accountability programs, and Federal poli-
7 cies regarding juvenile crime and justice, including
8 policies relating to juveniles prosecuted or adju-
9 dicated in the Federal courts;

10 “(2) implement and coordinate Federal juvenile
11 crime control, prevention, and juvenile offender ac-
12 countability programs and activities among Federal
13 departments and agencies and between such pro-
14 grams and activities and other Federal programs
15 and activities that the Administrator determines
16 may have an important bearing on the success of the
17 entire national juvenile crime control, prevention,
18 and juvenile offender accountability effort including,
19 in consultation with the Director of the Office of
20 Management and Budget listing annually those pro-
21 grams to be considered Federal juvenile crime con-
22 trol, prevention, and juvenile accountability pro-
23 grams for the following fiscal year;

24 “(3) serve as a single point of contact for
25 States, units of local government, and private enti-

1 ties to apply for and coordinate the use of and ac-
2 cess to all Federal juvenile crime control, prevention,
3 and juvenile offender accountability programs;

4 “(4) provide for the auditing of grants provided
5 pursuant to this title;

6 “(5) collect, prepare, and disseminate useful
7 data regarding the prevention, correction, and con-
8 trol of juvenile crime and delinquency, and issue, not
9 less frequently than once each calendar year, a re-
10 port on successful programs and juvenile crime re-
11 duction methods utilized by States, localities, and
12 private entities;

13 “(6) ensure the performance of comprehensive
14 rigorous independent scientific evaluations, each of
15 which shall—

16 “(A) be independent in nature, and shall
17 employ rigorous and scientifically valid stand-
18 ards and methodologies; and

19 “(B) include measures of outcome and
20 process objectives, such as reductions in juve-
21 nile crime, youth gang activity, youth substance
22 abuse, and other high risk factors, as well as in-
23 creases in protective factors that reduce the
24 likelihood of delinquency and criminal behavior;

1 “(7) involve consultation with appropriate au-
2 thorities in the States and with appropriate private
3 entities in the development, review, and revision of
4 the plans required by subsection (a) and in the de-
5 velopment of policies relating to juveniles prosecuted
6 or adjudicated in the Federal courts; and

7 “(8) provide technical assistance to the States,
8 units of local government, and private entities in im-
9 plementing programs funded by grants under this
10 title.

11 “(c) INFORMATION, REPORTS, STUDIES, AND SUR-
12 VEYS FROM OTHER AGENCIES.—The Administrator
13 through the general authority of the Attorney General,
14 may require, through appropriate authority, Federal de-
15 partments and agencies engaged in any activity involving
16 any Federal juvenile crime control, prevention, and juve-
17 nile offender accountability program to provide the Ad-
18 ministrator with such information and reports, and to con-
19 duct such studies and surveys, as the Administrator deter-
20 mines to be necessary to carry out the purposes of this
21 title.

22 “(d) UTILIZATION OF SERVICES AND FACILITIES OF
23 OTHER AGENCIES; REIMBURSEMENT.—The Adminis-
24 trator, through the general authority of the Attorney Gen-
25 eral, may utilize the services and facilities of any agency

1 of the Federal Government and of any other public agency
2 or institution in accordance with appropriate agreements,
3 and to pay for such services either in advance or by way
4 of reimbursement as may be agreed upon.

5 “(e) COORDINATION OF FUNCTIONS OF ADMINIS-
6 TRATOR AND SECRETARY OF HEALTH AND HUMAN SERV-
7 ICES.—All functions of the Administrator shall be coordi-
8 nated as appropriate with the functions of the Secretary
9 of Health and Human Services under title III.

10 “(f) ANNUAL JUVENILE DELINQUENCY DEVELOP-
11 MENT STATEMENTS.—

12 “(1) IN GENERAL.—Each Federal agency that
13 administers a Federal juvenile crime control, preven-
14 tion, and juvenile offender accountability program
15 shall annually submit to the Administrator a juvenile
16 crime control, prevention, and juvenile offender ac-
17 countability development statement.

18 “(2) CONTENTS.—Each development statement
19 submitted under paragraph (1) shall contain such
20 information, data, and analyses as the Administrator
21 may require. Such analyses shall include an analysis
22 of the extent to which the program of the Federal
23 agency submitting such development statement con-
24 forms with and furthers Federal juvenile crime con-

1 trol, prevention, and juvenile offender accountability,
2 prevention, and treatment goals and policies.

3 “(3) REVIEW AND COMMENT.—

4 “(A) IN GENERAL.—The Administrator
5 shall review and comment upon each juvenile
6 crime control, prevention, and juvenile offender
7 accountability development statement trans-
8 mitted to the Administrator under paragraph
9 (1).

10 “(B) INCLUSION IN OTHER DOCUMENTA-
11 TION.—The development statement transmitted
12 under paragraph (1), together with the com-
13 ments of the Administrator under subparagraph
14 (A), shall be—

15 “(i) included by the Federal agency
16 involved in every recommendation or re-
17 quest made by such agency for Federal
18 legislation that significantly affects juvenile
19 crime control, prevention, and juvenile of-
20 fender accountability; and

21 “(ii) made available for promulgation
22 to and use by State and local government
23 officials, and by nonprofit organizations in-
24 volved in delinquency prevention programs.

1 “(g) JOINT FUNDING.—Notwithstanding any other
2 provision of law, if funds are made available by more than
3 1 Federal agency to be used by any agency, organization,
4 institution, or individual to carry out a Federal juvenile
5 crime control, prevention, or juvenile offender account-
6 ability program or activity—

7 “(1) any 1 of the Federal agencies providing
8 funds may be requested by the Administrator to act
9 for all in administering the funds advanced; and

10 “(2) in such a case, a single non-Federal share
11 requirement may be established according to the
12 proportion of funds advanced by each Federal agen-
13 cy, and the Administrator may order any such agen-
14 cy to waive any technical grant or contract require-
15 ment (as defined in those regulations) that is incon-
16 sistent with the similar requirement of the admin-
17 istering agency or which the administering agency
18 does not impose.

19 **“SEC. 205. JUVENILE DELINQUENCY PREVENTION CHAL-**
20 **LENCE GRANT PROGRAM.**

21 “(a) AUTHORITY TO MAKE GRANTS.—The Adminis-
22 trator may make grants to eligible States in accordance
23 with this part for the purpose of providing financial assist-
24 ance to eligible entities to carry out projects designed to
25 prevent juvenile delinquency, including—

1 “(1) educational projects or supportive services
2 for delinquent or other juveniles—

3 “(A) to encourage juveniles to remain in
4 elementary and secondary schools or in alter-
5 native learning situations in educational set-
6 tings;

7 “(B) to provide services to assist juveniles
8 in making the transition to the world of work
9 and self-sufficiency;

10 “(C) to assist in identifying learning dif-
11 ficulties (including learning disabilities);

12 “(D) to prevent unwarranted and arbitrary
13 suspensions and expulsions;

14 “(E) to encourage new approaches and
15 techniques with respect to the prevention of
16 school violence and vandalism;

17 “(F) that assist law enforcement personnel
18 and juvenile justice personnel to more effec-
19 tively recognize and provide for learning-dis-
20 abled and other disabled juveniles; or

21 “(G) that develop locally coordinated poli-
22 cies and programs among education, juvenile
23 justice, and social service agencies;

24 “(2) projects that use neighborhood courts or
25 panels that increase victim satisfaction and require

1 juveniles to make restitution, or perform community
2 service, for the damage caused by their delinquent
3 acts;

4 “(3) projects that provide treatment to juvenile
5 offenders who are victims of child abuse or neglect,
6 and to their families, in order to reduce the likeli-
7 hood that such juvenile offenders will commit subse-
8 quent violations of law;

9 “(4) projects that expand the use of probation
10 officers—

11 “(A) particularly for the purpose of per-
12 mitting nonviolent juvenile offenders (including
13 status offenders) to remain at home with their
14 families as an alternative to incarceration or in-
15 stitutionalization; and

16 “(B) to ensure that juveniles follow the
17 terms of their probation;

18 “(5) one-on-one mentoring projects that are de-
19 signed to link at-risk juveniles and juvenile offenders
20 who did not commit serious crime, particularly juve-
21 niles residing in high-crime areas and juveniles expe-
22 riencing educational failure, with responsible adults
23 (such as law enforcement officers, adults working
24 with local businesses, and adults working for com-

1 munity-based organizations and agencies) who are
2 properly screened and trained;

3 “(6) community-based projects and services (in-
4 cluding literacy and social service programs) that
5 work with juvenile offenders, including those from
6 families with limited English-speaking proficiency,
7 their parents, their siblings, and other family mem-
8 bers during and after incarceration of the juvenile
9 offenders, in order to strengthen families, to allow
10 juvenile offenders to remain in their homes, and to
11 prevent the involvement of other juvenile family
12 members in delinquent activities;

13 “(7) projects designed to provide for the treat-
14 ment of juveniles for dependence on or abuse of al-
15 cohol, drugs, or other harmful substances, giving
16 priority to juveniles who have been arrested for an
17 alleged act of juvenile delinquency or adjudicated de-
18 linquent;

19 “(8) projects that leverage funds to provide
20 scholarships for postsecondary education and train-
21 ing for low-income juveniles who reside in neighbor-
22 hoods with high rates of poverty, violence, and drug-
23 related crimes;

1 “(9) projects that provide for initial intake
2 screening, which may include drug testing, of each
3 juvenile taken into custody—

4 “(A) to determine the likelihood that such
5 juvenile will commit a subsequent offense; and

6 “(B) to provide appropriate interventions
7 to prevent such juvenile from committing subse-
8 quent offenses;

9 “(10) projects (including school- or community-
10 based projects) that are designed to prevent, and re-
11 duce the rate of, the participation of juveniles in
12 gangs that commit crimes (particularly violent
13 crimes), that unlawfully use firearms and other
14 weapons, or that unlawfully traffic in drugs and that
15 involve, to the extent practicable, families and other
16 community members (including law enforcement per-
17 sonnel and members of the business community) in
18 the activities conducted under such projects;

19 “(11) comprehensive juvenile justice and delin-
20 quency prevention projects that meet the needs of
21 juveniles through the collaboration of the many local
22 service systems juveniles encounter, including
23 schools, courts, law enforcement agencies, child pro-
24 tection agencies, mental health agencies, welfare

1 services, health care agencies, and private nonprofit
2 agencies offering services to juveniles;

3 “(12) to develop, implement, and support, in
4 conjunction with public and private agencies, organi-
5 zations, and businesses, projects for the employment
6 of juveniles and referral to job training programs
7 (including referral to Federal job training pro-
8 grams);

9 “(13) delinquency prevention activities that in-
10 volve youth clubs, sports, recreation and parks, peer
11 counseling and teaching, the arts, leadership devel-
12 opment, community service, volunteer service,
13 before- and after-school programs, violence preven-
14 tion activities, mediation skills training, camping,
15 environmental education, ethnic or cultural enrich-
16 ment, tutoring, and academic enrichment;

17 “(14) to establish policies and systems to incor-
18 porate relevant child protective services records into
19 juvenile justice records for purposes of establishing
20 treatment plans for juvenile offenders;

21 “(15) family strengthening activities, such as
22 mutual support groups for parents and their chil-
23 dren; and

24 “(16) other activities that are likely to prevent
25 juvenile delinquency.

1 “(b) ELIGIBILITY OF STATES.—

2 “(1) APPLICATION.—To be eligible to receive a
3 grant under subsection (a), a State shall submit to
4 the Administrator an application that contains the
5 following:

6 “(A) An assurance that the State will
7 use—

8 “(i) not more than 5 percent of such
9 grant, in the aggregate, for—

10 “(I) the costs incurred by the
11 State to carry out this part; and

12 “(II) to evaluate, and provide
13 technical assistance relating to,
14 projects and activities carried out with
15 funds provided under this part; and

16 “(ii) the remainder of such grant to
17 make grants under subsection (c).

18 “(B) An assurance that, and a detailed de-
19 scription of how, such grant will support, and
20 not supplant State and local efforts to prevent
21 juvenile delinquency.

22 “(C) An assurance that such application
23 was prepared after consultation with and par-
24 ticipation by—

1 “(i) community-based organizations
2 that carry out programs, projects, or ac-
3 tivities to prevent juvenile delinquency; and

4 “(ii) police, sheriff, prosecutors, State
5 or local probation services, juvenile courts,
6 schools, businesses, and religious affiliated
7 fraternal, nonprofit, and social service or-
8 ganizations involved in crime prevention.

9 “(D) An assurance that each eligible entity
10 described in subsection (c)(1) that receives an
11 initial grant under subsection (c) to carry out
12 a project or activity shall also receive an assur-
13 ance from the State that such entity will receive
14 from the State, for the subsequent fiscal year to
15 carry out such project or activity, a grant under
16 such section in an amount that is proportional,
17 based on such initial grant and on the amount
18 of the grant received under subsection (a) by
19 the State for such subsequent fiscal year, but
20 that does not exceed the amount specified for
21 such subsequent fiscal year in such application
22 as approved by the State.

23 “(E) An assurance that each eligible entity
24 described in subsection (c)(1) that receives a
25 grant to carry out a project or activity under

1 subsection (c) has agreed to provide a 50 per-
2 cent match of the amount of the grant, includ-
3 ing the value of in-kind contributions to fund
4 the project or activity, except that the Adminis-
5 trator may for good cause reduce the matching
6 requirement to $33\frac{1}{3}$ percent for economically
7 disadvantaged communities.

8 “(F) An assurance that projects or activi-
9 ties funded by a grant under subsection (a)
10 shall be carried out through or in coordination
11 with a court with a juvenile crime or delin-
12 quency docket.

13 “(G) Such other information as the Ad-
14 ministrator may reasonably require by rule.

15 “(2) APPROVAL OF APPLICATIONS.—

16 “(A) APPROVAL REQUIRED.—Subject to
17 subparagraph (A), the Administrator shall ap-
18 prove an application, and amendments to such
19 application submitted in subsequent fiscal
20 years, that satisfy the requirements of para-
21 graph (1).

22 “(B) LIMITATION.—The Administrator
23 may not approve such application (including
24 amendments to such application) for a fiscal
25 year unless—

1 “(i)(I) the State submitted a plan
2 under section 222 for such fiscal year; and

3 “(II) such plan is approved by the Ad-
4 ministrator for such fiscal year; or

5 “(ii) the Administrator waives the ap-
6 plication of clause (i) to such State for
7 such fiscal year, after finding good cause
8 for such a waiver.

9 “(c) GRANTS FOR LOCAL PROJECTS.—

10 “(1) SELECTION FROM AMONG APPLICA-
11 TIONS.—

12 “(A) IN GENERAL.—Using a grant re-
13 ceived under subsection (a), a State may make
14 grants to eligible entities whose applications are
15 received by the State in accordance with para-
16 graph (2) to carry out projects and activities
17 described in subsection (a).

18 “(B) SPECIAL CONSIDERATION.—For pur-
19 poses of making such grants, the State shall
20 give special consideration to eligible entities
21 that—

22 “(i) propose to carry out such projects
23 in geographical areas in which there is—

1 “(I) a disproportionately high
2 level of serious crime committed by
3 juveniles; or

4 “(II) a recent rapid increase in
5 the number of nonstatus offenses
6 committed by juveniles;

7 “(ii)(I) agree to carry out such
8 projects or activities that are multidisci-
9 plinary and involve 2 or more eligible enti-
10 ties; or

11 “(II) represent communities that have
12 a comprehensive plan designed to identify
13 at-risk juveniles and to prevent or reduce
14 the rate of juvenile delinquency, and that
15 involve other entities operated by individ-
16 uals who have a demonstrated history of
17 involvement in activities designed to pre-
18 vent juvenile delinquency; and

19 “(iii) state the amount of resources
20 (in cash or in kind) such entities will pro-
21 vide to carry out such projects and activi-
22 ties.

23 “(2) RECEIPT OF APPLICATIONS.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), a unit of local government shall sub-

1 mit to the State simultaneously all applications
2 that are—

3 “(i) timely received by such unit from
4 eligible entities; and

5 “(ii) determined by such unit to be
6 consistent with a current plan formulated
7 by such unit for the purpose of preventing,
8 and reducing the rate of, juvenile delin-
9 quency in the geographical area under the
10 jurisdiction of such unit.

11 “(B) DIRECT SUBMISSION.—If an applica-
12 tion submitted to such unit by an eligible entity
13 satisfies the requirements specified in clauses
14 (i) and (ii) of subparagraph (A), such entity
15 may submit such application directly to the
16 State.

17 “(d) ELIGIBILITY OF ENTITIES.—

18 “(1) ELIGIBILITY.—Subject to paragraph (2)
19 and except as provided in paragraph (3), to be eligi-
20 ble to receive a grant under subsection (c), a com-
21 munity-based organization, local juvenile justice sys-
22 tem officials (including prosecutors, police officers,
23 judges, probation officers, parole officers, and public
24 defenders), local education authority (as defined in
25 section 14101 of the Elementary and Secondary

1 Education Act of 1965 and including a school within
2 such authority), nonprofit private organization (in-
3 cluding a faith-based organization), unit of local gov-
4 ernment, or social service provider, and or other en-
5 tity with a demonstrated history of involvement in
6 the prevention of juvenile delinquency, shall submit
7 to a unit of local government an application that
8 contains the following:

9 “(A) An assurance that such applicant will
10 use such grant, and each such grant received
11 for the subsequent fiscal year, to carry out
12 throughout a 2-year period a project or activity
13 described in reasonable detail, and of a kind de-
14 scribed in 1 or more of paragraphs (1) through
15 (14) of subsection (a) as specified in, such ap-
16 plication.

17 “(B) A statement of the particular goals
18 such project or activity is designed to achieve,
19 and the methods such entity will use to achieve,
20 and assess the achievement of, each of such
21 goals.

22 “(C) A statement identifying the research
23 (if any) such entity relied on in preparing such
24 application.

1 “(2) REVIEW AND SUBMISSION OF APPLICA-
2 TIONS.—Except as provided in paragraph (3), an en-
3 tity shall not be eligible to receive a grant under
4 subsection (c) unless—

5 “(A) such entity submits to a unit of local
6 government an application that—

7 “(i) satisfies the requirements speci-
8 fied in subsection (a); and

9 “(ii) describes a project or activity to
10 be carried out in the geographical area
11 under the jurisdiction of such unit; and

12 “(B) such unit determines that such
13 project or activity is consistent with a current
14 plan formulated by such unit for the purpose of
15 preventing, and reducing the rate of, juvenile
16 delinquency in the geographical area under the
17 jurisdiction of such unit.

18 “(3) LIMITATION.—If an entity that receives a
19 grant under subsection (c) to carry out a project or
20 activity for a 2-year period, and receives technical
21 assistance from the State or the Administrator after
22 requesting such technical assistance (if any), fails to
23 demonstrate, before the expiration of such 2-year pe-
24 riod, that such project or such activity has achieved
25 substantial success in achieving the goals specified in

1 the application submitted by such entity to receive
2 such grants, then such entity shall not be eligible to
3 receive any subsequent grant under such section to
4 continue to carry out such project or activity.

5 “(e) REPORTING REQUIREMENT.—Not later than
6 180 days after the last day of each fiscal year, the Admin-
7 istrator shall submit to the Chairman of the Committee
8 on Education and the Workforce of the House of Rep-
9 resentatives and the Chairman of the Committee on the
10 Judiciary of the Senate a report, which shall—

11 “(1) describe activities and accomplishments of
12 grant activities funded under this section;

13 “(2) describe procedures followed to dissemi-
14 nate grant activity products and research findings;

15 “(3) describe activities conducted to develop
16 policy and to coordinate Federal agency and inter-
17 agency efforts related to delinquency prevention;

18 “(4) identify successful approaches and making
19 the recommendations for future activities to be con-
20 ducted under this section; and

21 “(5) describe, on a State-by-State basis, the
22 total amount of matching contributions made by
23 States and eligible entities for activities funded
24 under this section.

25 “(f) RESEARCH AND EVALUATION.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), of the amount made available to carry out
3 this section in each fiscal year, the Administrator
4 shall use the lesser of 5 percent or \$5,000,000 for
5 research, statistics, and evaluation activities carried
6 out in conjunction with the grant programs under
7 this section.

8 “(2) EXCEPTION.—No amount shall be avail-
9 able as provided in paragraph (1) for a fiscal year,
10 if amounts are made available for that fiscal year for
11 the National Institute of Justice for evaluation re-
12 search of juvenile delinquency programs pursuant to
13 subsection (b)(6) or (c)(6) of section 313.

14 **“SEC. 206. GRANTS TO INDIAN TRIBES.**

15 “(a) IN GENERAL.—From the amount reserved
16 under section 207(b) in each fiscal year, the Administrator
17 shall make grants to Indian tribes for programs pursuant
18 to the permissible purposes under section 205 and part
19 B.

20 “(b) APPLICATIONS.—

21 “(1) IN GENERAL.—To be eligible to receive a
22 grant under this section, an Indian tribe shall sub-
23 mit to the Administrator an application in such form
24 and containing such information as the Adminis-
25 trator may by regulation require.

1 “(2) PLANS.—Each application submitted
2 under paragraph (1) shall include a plan for con-
3 ducting projects described in section 205(a), which
4 plan shall—

5 “(A) provide evidence that the Indian tribe
6 performs law enforcement functions (as deter-
7 mined by the Secretary of the Interior);

8 “(B) identify the juvenile justice and delin-
9 quency problems and juvenile delinquency pre-
10 vention needs to be addressed by activities con-
11 ducted by the Indian tribe in the area under the
12 jurisdiction of the Indian tribe with assistance
13 provided by the grant;

14 “(C) provide for fiscal control and account-
15 ing procedures that—

16 “(i) are necessary to ensure the pru-
17 dent use, proper disbursement, and ac-
18 counting of funds received under this sec-
19 tion; and

20 “(ii) are consistent with the require-
21 ments of subparagraph (B); and

22 “(D) comply with the requirements of sec-
23 tion 222(a) (except that such subsection relates
24 to consultation with a State advisory group)

1 and with the requirements of section 222(c);
2 and

3 “(E) contain such other information, and
4 be subject to such additional requirements, as
5 the Administrator may reasonably prescribe to
6 ensure the effectiveness of the grant program
7 under this section.

8 “(c) FACTORS FOR CONSIDERATION.—In awarding
9 grants under this section, the Administrator shall
10 consider—

11 “(1) the resources that are available to each ap-
12 plicant that will assist, and be coordinated with, the
13 overall juvenile justice system of the Indian tribe;
14 and

15 “(2) for each Indian tribe that receives assist-
16 ance under such a grant—

17 “(A) the relative juvenile population; and

18 “(B) who will be served by the assistance
19 provided by the grant.

20 “(d) GRANT AWARDS.—

21 “(1) IN GENERAL.—

22 “(A) COMPETITIVE AWARDS.—Except as
23 provided in paragraph (2), the Administrator
24 shall annually award grants under this section
25 on a competitive basis. The Administrator shall

1 enter into a grant agreement with each grant
2 recipient under this section that specifies the
3 terms and conditions of the grant.

4 “(B) PERIOD OF GRANT.—The period of
5 each grant awarded under this section shall be
6 2 years.

7 “(2) EXCEPTION.—In any case in which the
8 Administrator determines that a grant recipient
9 under this section has performed satisfactorily dur-
10 ing the preceding year in accordance with an appli-
11 cable grant agreement, the Administrator may—

12 “(A) waive the requirement that the recipi-
13 ent be subject to the competitive award process
14 described in paragraph (1)(A); and

15 “(B) renew the grant for an additional
16 grant period (as specified in paragraph (1)(B)).

17 “(3) MODIFICATIONS OF PROCESSES.—The Ad-
18 ministrator may prescribe requirements to provide
19 for appropriate modifications to the plan preparation
20 and application process specified in subsection (b)
21 for an application for a renewal grant under para-
22 graph (2)(B).

23 “(e) REPORTING REQUIREMENT.—Each Indian tribe
24 that receives a grant under this section shall be subject
25 to the fiscal accountability provisions of section 5(f)(1) of

1 the Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 450c(f)(1)), relating to the submission of
3 a single-agency audit report required by chapter 75 of title
4 31, United States Code.

5 “(f) MATCHING REQUIREMENT.—Funds appro-
6 priated by Congress for the activities of any agency of an
7 Indian tribal government or the Bureau of Indian Affairs
8 performing law enforcement functions on any Indian lands
9 may be used to provide the non-Federal share of any pro-
10 gram or project with a matching requirement funded
11 under this section.

12 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed to affect in any manner the juris-
14 diction of an Indian tribe with respect to land or persons
15 in the State of Alaska.

16 “(h) TECHNICAL ASSISTANCE.—From the amount
17 reserved under section 207(b) in each fiscal year, the Ad-
18 ministrator may reserve 1 percent for the purpose of pro-
19 viding technical assistance to recipients of grants under
20 this section.

21 **“SEC. 207. ALLOCATION OF GRANTS.**

22 “(a) IN GENERAL.—Subject to subsections (b), (c),
23 and (d), the amount allocated under section 291 to carry
24 out section 205 in each fiscal year shall be allocated to
25 the States as follows:

1 “(1) 0.5 percent shall be allocated to each eligi-
2 ble State.

3 “(2) The amount remaining after the allocation
4 under subparagraph (A) shall be allocated among el-
5 igible States as follows:

6 “(A) 50 percent of such amount shall be
7 allocated proportionately based on the juvenile
8 population in the eligible States.

9 “(B) 50 percent of such amount shall be
10 allocated proportionately based on the annual
11 average number of arrests for serious crimes
12 committed in the eligible States by juveniles
13 during the then most recently completed period
14 of 3 consecutive calendar years for which suffi-
15 cient information is available to the Adminis-
16 trator.

17 “(b) RESERVATION OF FUNDS.—Notwithstanding
18 any other provision of law, from the amounts allocated
19 under section 291 to carry out section 205 and part B
20 in each fiscal year, the Administrator shall reserve an
21 amount equal to the amount to which all Indian tribes
22 that qualify for a grant under section 206 would collec-
23 tively be entitled, if such tribes were collectively treated
24 as a State for purposes of subsection (a).

1 “(c) EXCEPTION.—The amount allocated to the Vir-
2 gin Islands of the United States, Guam, American Samoa,
3 the Trust Territory of the Pacific Islands, and the Com-
4 monwealth of the Northern Mariana Islands shall be not
5 less than \$75,000 and not more than \$100,000.

6 “(d) ADMINISTRATIVE COSTS.—A State, unit of local
7 government, or eligible unit that receives funds under this
8 part may not use more than 5 percent of those funds to
9 pay for administrative costs.

10 **“PART B—FEDERAL ASSISTANCE FOR STATE AND**
11 **LOCAL PROGRAMS**

12 **“SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.**

13 “(a) IN GENERAL.—The Administrator may make
14 grants to States and units of local government, or com-
15 binations thereof, to assist them in planning, establishing,
16 operating, coordinating, and evaluating projects directly or
17 through grants and contracts with public and private
18 agencies for the development of more effective education,
19 training, research, prevention, diversion, treatment, and
20 rehabilitation programs in the area of juvenile delinquency
21 and programs to improve the juvenile justice system.

22 “(b) TRAINING AND TECHNICAL ASSISTANCE.—

23 “(1) IN GENERAL.—With not to exceed 2 per-
24 cent of the funds available in a fiscal year to carry
25 out this part, the Administrator shall make grants

1 to and enter into contracts with public and private
2 agencies, organizations, and individuals to provide
3 training and technical assistance to States, units of
4 local governments (and combinations thereof), and
5 local private agencies to facilitate compliance with
6 section 222 and implementation of the State plan
7 approved under section 222(c).

8 “(2) ELIGIBLE RECIPIENTS.—Grants may be
9 made and contracts may be entered into under para-
10 graph (1) only to public and private agencies, orga-
11 nizations, and individuals that have experience in
12 providing such training and technical assistance. In
13 providing such training and technical assistance, the
14 recipient of a grant or contract under this subsection
15 shall coordinate its activities with the State agency
16 described in section 222(a)(1).

17 **“SEC. 222. STATE PLANS.**

18 “(a) IN GENERAL.—In order to receive formula
19 grants under this part, a State shall submit a plan, devel-
20 oped in consultation with the State Advisory Group estab-
21 lished by the State under subsection (b)(2)(A), for car-
22 rying out its purposes applicable to a 3-year period. The
23 State shall submit annual performance reports to the Ad-
24 ministrator, each of which shall describe progress in imple-
25 menting programs contained in the original plan, and

1 amendments necessary to update the plan, and shall de-
2 scribe the status of compliance with State plan require-
3 ments. In accordance with regulations that the Adminis-
4 trator shall prescribe, such plan shall—

5 “(1) designate a State agency as the sole agen-
6 cy for supervising the preparation and administra-
7 tion of the plan;

8 “(2) contain satisfactory evidence that the
9 State agency designated in accordance with para-
10 graph (1) has or will have authority, by legislation
11 if necessary, to implement such plan in conformity
12 with this part;

13 “(3) provide for the active consultation with
14 and participation of units of local government, or
15 combinations thereof, in the development of a State
16 plan that adequately takes into account the needs
17 and requests of units of local government, except
18 that nothing in the plan requirements, or any regu-
19 lations promulgated to carry out such requirements,
20 shall be construed to prohibit or impede the State
21 from making grants to, or entering into contracts
22 with, local private agencies, including religious orga-
23 nizations;

24 “(4) to the extent feasible and consistent with
25 paragraph (5), provide for an equitable distribution

1 of the assistance received with the State, including
2 rural areas;

3 “(5) require that the State or unit of local gov-
4 ernment that is a recipient of amounts under this
5 part distributes those amounts intended to be used
6 for the prevention of juvenile delinquency and reduc-
7 tion of incarceration, to the extent feasible, in pro-
8 portion to the amount of juvenile crime committed
9 within those regions and communities;

10 “(6) provide assurances that youth coming into
11 contact with the juvenile justice system are treated
12 equitably on the basis of gender, race, family in-
13 come, and disability;

14 “(7)(A) provide for—

15 “(i) an analysis of juvenile crime and de-
16 linquency problems (including the joining of
17 gangs that commit crimes) and juvenile justice
18 and delinquency prevention needs (including
19 educational needs) of the State (including any
20 geographical area in which an Indian tribe per-
21 forms law enforcement functions), a description
22 of the services to be provided, and a description
23 of performance goals and priorities, including a
24 specific statement of the manner in which pro-
25 grams are expected to meet the identified juve-

1 nile crime problems (including the joining of
2 gangs that commit crimes) and juvenile justice
3 and delinquency prevention needs (including
4 educational needs) of the State;

5 “(ii) an indication of the manner in which
6 the programs relate to other similar State or
7 local programs that are intended to address the
8 same or similar problems; and

9 “(iii) a plan for the concentration of State
10 efforts, which shall coordinate all State juvenile
11 crime control, prevention, and delinquency pro-
12 grams with respect to overall policy and devel-
13 opment of objectives and priorities for all State
14 juvenile crime control and delinquency pro-
15 grams and activities, including provision for
16 regular meetings of State officials with respon-
17 sibility in the area of juvenile justice and delin-
18 quency prevention;

19 “(B) contain—

20 “(i) a plan for providing needed gender-
21 specific services for the prevention and treat-
22 ment of juvenile delinquency;

23 “(ii) a plan for providing needed services
24 for the prevention and treatment of juvenile de-
25 linquency in rural areas; and

1 “(iii) a plan for providing needed mental
2 health services to juveniles in the juvenile jus-
3 tice system;

4 “(8) provide for the coordination and maximum
5 utilization of existing juvenile delinquency programs,
6 programs operated by public and private agencies
7 and organizations, and other related programs (such
8 as education, special education, recreation, health,
9 and welfare programs) in the State;

10 “(9) provide for the development of an adequate
11 research, training, and evaluation capacity within
12 the State;

13 “(10) provide that not less than 75 percent of
14 the funds available to the State under section 221,
15 other than funds made available to the State advi-
16 sory group under this section, whether expended di-
17 rectly by the State, by the unit of local government,
18 or by a combination thereof, or through grants and
19 contracts with public or private nonprofit agencies,
20 shall be used for—

21 “(A) community-based alternatives (includ-
22 ing home-based alternatives) to incarceration
23 and institutionalization, including—

1 “(i) for youth who need temporary
2 placement: crisis intervention, shelter, and
3 after-care; and

4 “(ii) for youth who need residential
5 placement: a continuum of foster care or
6 group home alternatives that provide ac-
7 cess to a comprehensive array of services;

8 “(B) programs that assist in holding juve-
9 niles accountable for their actions, including the
10 use of graduated sanctions and of neighborhood
11 courts or panels that increase victim satisfac-
12 tion and require juveniles to make restitution
13 for the damage caused by their delinquent be-
14 havior;

15 “(C) comprehensive juvenile crime control
16 and delinquency prevention programs that meet
17 the needs of youth through the collaboration of
18 the many local systems before which a youth
19 may appear, including schools, courts, law en-
20 forcement agencies, child protection agencies,
21 mental health agencies, welfare services, health
22 care agencies, and private nonprofit agencies of-
23 fering youth services;

24 “(D) programs that provide treatment to
25 juvenile offenders who are victims of child

1 abuse or neglect, and to their families, in order
2 to reduce the likelihood that such juvenile of-
3 fenders will commit subsequent violations of
4 law;

5 “(E) educational programs or supportive
6 services for delinquent or other juveniles—

7 “(i) to encourage juveniles to remain
8 in elementary and secondary schools or in
9 alternative learning situations;

10 “(ii) to provide services to assist juve-
11 niles in making the transition to the world
12 of work and self-sufficiency; and

13 “(iii) enhance coordination with the
14 local schools that such juveniles would oth-
15 erwise attend, to ensure that—

16 “(I) the instruction that juveniles
17 receive outside school is closely
18 aligned with the instruction provided
19 in school; and

20 “(II) information regarding any
21 learning problems identified in such
22 alternative learning situations are
23 communicated to the schools;

24 “(F) expanding the use of probation
25 officers—

1 “(i) particularly for the purpose of
2 permitting nonviolent juvenile offenders
3 (including status offenders) to remain at
4 home with their families as an alternative
5 to incarceration or institutionalization; and

6 “(ii) to ensure that juveniles follow
7 the terms of their probation;

8 “(G) one-on-one mentoring programs that
9 are designed to link at-risk juveniles and juve-
10 nile offenders, particularly juveniles residing in
11 high-crime areas and juveniles experiencing
12 educational failure, with responsible adults
13 (such as law enforcement officers, adults work-
14 ing with local businesses, and adults working
15 with community-based organizations and agen-
16 cies) who are properly screened and trained;

17 “(H) programs designed to develop and
18 implement projects relating to juvenile delin-
19 quency and learning disabilities, including on-
20 the-job training programs to assist community
21 services, law enforcement, and juvenile justice
22 personnel to more effectively recognize and pro-
23 vide for learning disabled and other juveniles
24 with disabilities;

1 “(I) projects designed both to deter in-
2 volvement in illegal activities and to promote in-
3 volvement in lawful activities on the part of
4 gangs whose membership is substantially com-
5 posed of youth;

6 “(J) programs and projects designed to
7 provide for the treatment of youths’ dependence
8 on or abuse of alcohol or other addictive or non-
9 addictive drugs;

10 “(K) boot camps for juvenile offenders;

11 “(L) community-based programs and serv-
12 ices to work with juveniles, their parents, and
13 other family members during and after incar-
14 ceration in order to strengthen families so that
15 such juveniles may be retained in their homes;

16 “(M) other activities (such as court-ap-
17 pointed advocates) that the State determines
18 will hold juveniles accountable for their acts
19 and decrease juvenile involvement in delinquent
20 activities;

21 “(N) establishing policies and systems to
22 incorporate relevant child protective services
23 records into juvenile justice records for pur-
24 poses of establishing treatment plans for juve-
25 nile offenders;

1 “(O) programs (including referral to lit-
2 eracy programs and social service programs) to
3 assist families with limited English-speaking
4 ability that include delinquent juveniles to over-
5 come language and other barriers that may pre-
6 vent the complete treatment of such juveniles
7 and the preservation of their families;

8 “(P) programs that utilize multidisci-
9 plinary interagency case management and infor-
10 mation sharing, that enable the juvenile justice
11 and law enforcement agencies, schools, and so-
12 cial service agencies to make more informed de-
13 cisions regarding early identification, control,
14 supervision, and treatment of juveniles who re-
15 peatedly commit violent or serious delinquent
16 acts; and

17 “(Q) programs designed to prevent and re-
18 duce hate crimes committed by juveniles;

19 “(11) shall provide that—

20 “(A) juveniles who are charged with or
21 who have committed an offense that would not
22 be criminal if committed by an adult,
23 excluding—

24 “(i) juveniles who are charged with or
25 who have committed a violation of section

1 922(x)(2) of title 18, United States Code,
2 or of a similar State law;

3 “(ii) juveniles who are charged with or
4 who have committed a violation of a valid
5 court order; and

6 “(iii) juveniles who are held in accord-
7 ance with the Interstate Compact on Juve-
8 niles as enacted by the State;
9 shall not be placed in secure detention facilities
10 or secure correctional facilities; and

11 “(B) juveniles—

12 “(i) who are not charged with any of-
13 fense; and

14 “(ii) who are—

15 “(I) aliens; or

16 “(II) alleged to be dependent, ne-
17 glected, or abused;

18 shall not be placed in secure detention facilities
19 or secure correctional facilities;

20 “(12) provide that—

21 “(A) juveniles alleged to be or found to be
22 delinquent or juveniles within the purview of
23 paragraph (11) will not be detained or confined
24 in any institution in which they have prohibited

1 physical contact or sustained oral communica-
2 tion with adult inmates; and

3 “(B) there is in effect in the State a policy
4 that requires individuals who work with both
5 such juveniles and such adult inmates in collo-
6 cated facilities have been trained and certified
7 to work with juveniles;

8 “(13) provide that no juvenile will be detained
9 or confined in any jail or lockup for adults except—

10 “(A) juveniles who are accused of non-
11 status offenses and who are detained in such
12 jail or lockup for a period not to exceed 6
13 hours—

14 “(i) for processing or release;

15 “(ii) while awaiting transfer to a juve-
16 nile facility; or

17 “(iii) in which period such juveniles
18 make a court appearance;

19 “(B) juveniles who are accused of non-
20 status offenses, who are awaiting an initial
21 court appearance that will occur within 48
22 hours after being taken into custody (excluding
23 Saturdays, Sundays, and legal holidays), and
24 who are detained or confined in a jail or
25 lockup—

1 “(i) in which—

2 “(I) such juveniles do not have
3 prohibited physical contact or sus-
4 tained oral communication with adult
5 inmates; and

6 “(II) there is in effect in the
7 State a policy that requires individ-
8 uals who work with both such juve-
9 niles and such adult inmates in collo-
10 cated facilities have been trained and
11 certified to work with juveniles; and

12 “(ii) that—

13 “(I) is located outside a metro-
14 politan statistical area (as defined by
15 the Office of Management and Budg-
16 et);

17 “(II) has no existing acceptable
18 alternative placement available;

19 “(III) is located where conditions
20 of distance to be traveled or the lack
21 of highway, road, or transportation do
22 not allow for court appearances within
23 48 hours (excluding Saturdays, Sun-
24 days, and legal holidays) so that a

1 brief (not to exceed an additional 48
2 hours) delay is excusable; or

3 “(IV) is located where conditions
4 of safety exist (such as severe adverse,
5 life-threatening weather conditions
6 that do not allow for reasonably safe
7 travel), in which case the time for an
8 appearance may be delayed until 24
9 hours after the time that such condi-
10 tions allow for reasonable safe travel;

11 “(C) juveniles who are accused of non-
12 status offenses and who are detained or con-
13 fined in a jail or lockup that satisfies the re-
14 quirements of subparagraph (B)(i) if—

15 “(i) such jail or lockup—

16 “(I) is located outside a metro-
17 politan statistical area (as defined by
18 the Office of Management and Budg-
19 et); and

20 “(II) has no existing acceptable
21 alternative placement available;

22 “(ii) a parent or other legal guardian
23 (or guardian ad litem) of the juvenile in-
24 volved consents to detaining or confining

1 such juvenile in accordance with this sub-
2 paragraph;

3 “(iii) the juvenile has counsel, and the
4 counsel representing such juvenile has an
5 opportunity to present the juvenile’s posi-
6 tion regarding the detention or confine-
7 ment involved to the court before the court
8 approves such detention or confinement;
9 and

10 “(iv) detaining or confining such juve-
11 nile in accordance with this subparagraph
12 is—

13 “(I) approved in advance by a
14 court with competent jurisdiction;

15 “(II) required to be reviewed pe-
16 riodically, at intervals of not more
17 than 5 days (excluding Saturdays,
18 Sundays, and legal holidays), by such
19 court for the duration of detention or
20 confinement; and

21 “(III) for a period preceding the
22 sentencing (if any) of such juvenile;

23 “(14) provide assurances that consideration will
24 be given to and that assistance will be available for
25 approaches designed to strengthen the families of

1 delinquent and other youth to prevent juvenile delin-
2 quency (which approaches should include the involve-
3 ment of grandparents or other extended family
4 members, when possible, and appropriate and the
5 provision of family counseling during the incarcer-
6 ation of juvenile family members and coordination of
7 family services when appropriate and feasible);

8 “(15) provide for procedures to be established
9 for protecting the rights of recipients of services and
10 for assuring appropriate privacy with regard to
11 records relating to such services provided to any in-
12 dividual under the State plan;

13 “(16) provide for such fiscal control and fund
14 accounting procedures necessary to assure prudent
15 use, proper disbursement, and accurate accounting
16 of funds received under this title;

17 “(17) provide reasonable assurances that Fed-
18 eral funds made available under this part for any pe-
19 riod shall be so used as to supplement and increase
20 (but not supplant) the level of the State, local, and
21 other non-Federal funds that would in the absence
22 of such Federal funds be made available for the pro-
23 grams described in this part, and shall in no event
24 replace such State, local, and other non-Federal
25 funds;

1 “(18) provide that the State agency designated
2 under paragraph (1) will, not less often than annu-
3 ally, review its plan and submit to the Administrator
4 an analysis and evaluation of the effectiveness of the
5 programs and activities carried out under the plan,
6 and any modifications in the plan, including the sur-
7 vey of State and local needs, that the agency con-
8 siders necessary;

9 “(19) provide assurances that the State or each
10 unit of local government that is a recipient of
11 amounts under this part require that any person
12 convicted of a sexual act or sexual contact involving
13 any other person who has not attained the age of 18
14 years, and who is not less than 4 years younger than
15 such convicted person, be tested for the presence of
16 any sexually transmitted disease and that the results
17 of such test be provided to the victim or to the fam-
18 ily of the victim as well as to any court or other gov-
19 ernment agency with primary authority for sen-
20 tencing the person convicted for the commission of
21 the sexual act or sexual contact (as those terms are
22 defined in paragraphs (2) and (3), respectively, of
23 section 2246 of title 18, United States Code) involv-
24 ing a person not having attained the age of 18
25 years;

1 “(20) provide that if a juvenile is taken into
2 custody for violating a valid court order issued for
3 committing a status offense—

4 “(A) an appropriate public agency shall be
5 promptly notified that such juvenile is held in
6 custody for violating such order;

7 “(B) not later than 24 hours during which
8 such juvenile is so held, an authorized rep-
9 resentative of such agency shall interview, in
10 person, such juvenile; and

11 “(C) not later than 48 hours during which
12 such juvenile is so held—

13 “(i) such representative shall submit
14 an assessment to the court that issued
15 such order, regarding the immediate needs
16 of such juvenile; and

17 “(ii) such court shall conduct a hear-
18 ing to determine—

19 “(I) whether there is reasonable
20 cause to believe that such juvenile vio-
21 lated such order; and

22 “(II) the appropriate placement
23 of such juvenile pending disposition of
24 the violation alleged;

1 “(21) specify a percentage (if any), not to ex-
2 ceed 5 percent, of funds received by the State under
3 section 221 that the State will reserve for expendi-
4 ture by the State to provide incentive grants to units
5 of local government that reduce the case load of pro-
6 bation officers within such units;

7 “(22) provide that the State, to the maximum
8 extent practicable, will implement a system to ensure
9 that if a juvenile is before a court in the juvenile jus-
10 tice system, public child welfare records (including
11 child protective services records) relating to such ju-
12 venile that are on file in the geographical area under
13 the jurisdiction of such court will be made known to
14 such court;

15 “(23) unless the provisions of this paragraph
16 are waived at the discretion of the Administrator for
17 any State in which the services for delinquent or
18 other youth are organized primarily on a statewide
19 basis, provide that at least 50 percent of funds re-
20 ceived by the State under this section, other than
21 funds made available to the State advisory group,
22 shall be expended—

23 “(A) through programs of units of general
24 local government or combinations thereof, to

1 the extent such programs are consistent with
 2 the State plan; and

3 “(B) through programs of local private
 4 agencies, to the extent such programs are con-
 5 sistent with the State plan, except that direct
 6 funding of any local private agency by a State
 7 shall be permitted only if such agency requests
 8 such funding after it has applied for and been
 9 denied funding by any unit of general local gov-
 10 ernment or combination thereof; and

11 “(24) to the extent that segments of the juve-
 12 nile population are shown to be detained or confined
 13 in secure detention facilities, secure correctional fa-
 14 cilities, jails, and lockups, to a greater extent than
 15 the proportion of these groups in the general juve-
 16 nile population, address prevention efforts designed
 17 to reduce such disproportionate confinement, with-
 18 out requiring the release or the failure to detain any
 19 individual.

20 “(b) APPROVAL BY STATE AGENCY.—

21 “(1) STATE AGENCY.—The State agency des-
 22 ignated under subsection (a)(1) shall approve the
 23 State plan and any modification thereof prior to
 24 submission of the plan to the Administrator.

25 “(2) STATE ADVISORY GROUP.—

1 “(A) ESTABLISHMENT.—The State advi-
2 sory group referred to in subsection (a) shall be
3 known as the ‘State Advisory Group’, consisting
4 of representatives from both the private and
5 public sector, each of whom shall be appointed
6 for a term of not more than 6 years. The State
7 shall ensure that members of the State Advi-
8 sory Group shall have experience in the area of
9 juvenile delinquency prevention, the prosecution
10 of juvenile offenders, the treatment of juvenile
11 delinquency, the investigation of juvenile
12 crimes, or the administration of juvenile justice
13 programs, and shall include not less than 1
14 prosecutor and not less than 1 judge from a
15 court with a juvenile crime or delinquency dock-
16 et. The chairperson of the State Advisory
17 Group shall not be a full-time employee of the
18 Federal Government or the State government.

19 “(B) CONSULTATION.—

20 “(i) IN GENERAL.—The State shall
21 consult with the State Advisory Group es-
22 tablished under subparagraph (A) in devel-
23 oping and reviewing the State plan under
24 this section.

1 “(ii) AUTHORITY.—The State Advi-
2 sory Group shall report to the chief execu-
3 tive officer and the legislature of the State
4 on an annual basis regarding recommenda-
5 tions related to the State’s compliance
6 under this section.

7 “(C) FUNDING.—From amounts reserved
8 for administrative costs, the State may make
9 available to the State Advisory Group such
10 sums as may be necessary to assist the State
11 Advisory Group in adequately performing its
12 duties under this paragraph.

13 “(c) COMPLIANCE WITH STATUTORY REQUIRE-
14 MENTS.—

15 “(1) IN GENERAL.—If a State fails to comply
16 with any of the applicable requirements of para-
17 graph (11), (12), (13), or (24) of subsection (a) in
18 any fiscal year beginning after September 30, 1999,
19 the amount allocated to such State for the subse-
20 quent fiscal year shall be reduced by not to exceed
21 12.5 percent for each such paragraph with respect
22 to which the failure occurs, unless the Administrator
23 determines that the State—

1 “(A) has achieved substantial compliance
2 with such applicable requirements with respect
3 to which the State was not in compliance; and

4 “(B) has made, through appropriate execu-
5 tive or legislative action, an unequivocal com-
6 mitment to achieving full compliance with such
7 applicable requirements within a reasonable
8 time.

9 “(2) WAIVER.—The Administrator may, upon
10 request by a State showing good cause, waive the
11 application of this subsection with respect to such
12 State.

13 **“SEC. 223. ALLOCATION OF GRANTS.**

14 “(a) IN GENERAL.—Subject to subsections (b), (c),
15 and (d), the amount allocated under section 291 to carry
16 out this part in each fiscal year that remains after reserva-
17 tion under section 207(b) for that fiscal year shall be allo-
18 cated to the States as follows:

19 “(1) 0.5 percent shall be allocated to each eligi-
20 ble State.

21 “(2) The amount remaining after the allocation
22 under clause (i) shall be allocated proportionately
23 based on the juvenile population in the eligible
24 States.

1 “(b) SYSTEM SUPPORT GRANTS.—Of the amount al-
2 located under section 291 to carry out this part in each
3 fiscal year that remains after reservation under section
4 207(b) for that fiscal year, up to 10 percent may be avail-
5 able for use by the Administrator to provide—

6 “(1) training and technical assistance con-
7 sistent with the purposes authorized under sections
8 204, 205, and 221;

9 “(2) direct grant awards and other support to
10 develop, test, and demonstrate new approaches to
11 improving the juvenile justice system and reducing,
12 preventing, and abating delinquent behavior, juvenile
13 crime, and youth violence;

14 “(3) for research and evaluation efforts to dis-
15 cover and test methods and practices to improve the
16 juvenile justice system and reduce, prevent, and
17 abate delinquent behavior, juvenile crime, and youth
18 violence; and

19 “(4) information, including information on best
20 practices, consistent with purposes authorized under
21 sections 204, 205, and 221.

22 “(c) EXCEPTION.—The amount allocated to the Vir-
23 gin Islands of the United States, Guam, American Samoa,
24 the Trust Territory of the Pacific Islands, and the Com-

1 monwealth of the Northern Mariana Islands shall be not
 2 less than \$75,000 and not more than \$100,000.

3 “(d) ADMINISTRATIVE COSTS.—A State, unit of local
 4 government, or eligible unit that receives funds under this
 5 part may not use more than 5 percent of those funds to
 6 pay for administrative costs.

7 **“PART C—NATIONAL PROGRAMS**

8 **“SEC. 241. ESTABLISHMENT OF NATIONAL INSTITUTE FOR**
 9 **JUVENILE CRIME CONTROL AND DELIN-**
 10 **QUENCY PREVENTION.**

11 “(a) IN GENERAL.—There is established within the
 12 National Institute of Justice a National Institute for Juve-
 13 nile Crime Control and Delinquency Prevention, the pur-
 14 pose of which shall be to provide—

15 “(1) a coordinating center for the collection,
 16 preparation, and dissemination of useful data re-
 17 garding the prevention, treatment, and control of ju-
 18 venile delinquency;

19 “(2) through the National Institute of Justice,
 20 for the rigorous and independent evaluation of the
 21 delinquency and youth violence prevention programs
 22 funded under this title;

23 “(3) funding for new research, through the Na-
 24 tional Institute of Justice, on the nature, causes,

1 and prevention of juvenile violence and juvenile de-
2 linquency; and

3 “(4) appropriate training (including training
4 designed to strengthen and maintain the family
5 unit) for representatives of Federal, State, local law
6 enforcement officers, teachers and special education
7 personnel, recreation and park personnel, family
8 counselors, child welfare workers, juvenile judges
9 and judicial personnel, probation personnel, prosecu-
10 tors and defense attorneys, correctional personnel
11 (including volunteer lay personnel), persons associ-
12 ated with law-related education, youth workers, and
13 representatives of private agencies and organizations
14 with specific experience in the prevention, treatment,
15 and control of juvenile delinquency.

16 “(b) ADMINISTRATION.—The National Institute for
17 Juvenile Crime Control and Delinquency Prevention shall
18 be under the supervision and direction of the Director of
19 the National Institute of Justice (referred to in this part
20 as the ‘Director’), in consultation with the Administrator.

21 “(c) COORDINATION.—The activities of the National
22 Institute for Juvenile Crime Control and Delinquency Pre-
23 vention shall be coordinated with the activities of the Na-
24 tional Institute of Justice.

25 “(d) DUTIES OF THE INSTITUTE.—

1 “(1) IN GENERAL.—The Administrator shall
2 transfer appropriated amounts to the National Insti-
3 tute of Justice, or to other Federal agencies, for the
4 purposes of new research and evaluation projects
5 funded by the National Institute for Juvenile Crime
6 Control and Delinquency Prevention, and for evalua-
7 tion of discretionary programs of the Office of Juve-
8 nile Crime Control and Prevention.

9 “(2) REQUIREMENTS.—Each evaluation and re-
10 search study funded with amounts transferred under
11 paragraph (1) shall—

12 “(A) be independent in nature;

13 “(B) be awarded competitively; and

14 “(C) employ rigorous and scientifically rec-
15 ognized standards and methodologies, including
16 peer review by nonapplicants.

17 “(e) POWERS OF THE INSTITUTE.—In addition to the
18 other powers, express and implied, the National Institute
19 for Juvenile Crime Control and Delinquency Prevention
20 may—

21 “(1) request any Federal agency to supply such
22 statistics, data, program reports, and other material
23 as the National Institute for Juvenile Crime Control
24 and Delinquency Prevention deems necessary to
25 carry out its functions;

1 “(2) arrange with and reimburse the heads of
2 Federal agencies for the use of personnel or facilities
3 or equipment of such agencies;

4 “(3) confer with and avail itself of the coopera-
5 tion, services, records, and facilities of State, munic-
6 ipal, or other public or private local agencies;

7 “(4) make grants and enter into contracts with
8 public or private agencies, organizations, or individ-
9 uals for the partial performance of any functions of
10 the National Institute for Juvenile Crime Control
11 and Delinquency Prevention; and

12 “(5) compensate consultants and members of
13 technical advisory councils who are not in the reg-
14 ular full-time employ of the United States, at a rate
15 now or hereafter payable under section 5376 of title
16 5, United States Code, and while away from home,
17 or regular place of business, they may be allowed
18 travel expenses, including per diem in lieu of subsist-
19 ence, as authorized by section 5703 of title 5,
20 United States Code, for persons in the Government
21 service employed intermittently.

22 “(f) INFORMATION FROM FEDERAL AGENCIES.—A
23 Federal agency that receives a request from the National
24 Institute for Juvenile Crime Control and Delinquency Pre-
25 vention under subsection (e)(1) may cooperate with the

1 National Institute for Juvenile Crime Control and Delin-
2 quency Prevention and shall, to the maximum extent prac-
3 ticable, consult with and furnish information and advice
4 to the National Institute for Juvenile Crime Control and
5 Delinquency Prevention.

6 **“SEC. 242. INFORMATION FUNCTION.**

7 “The Administrator, acting through the National In-
8 stitute for Juvenile Crime Control and Delinquency Pre-
9 vention, as appropriate, shall—

10 “(1) on a continuing basis, review reports, data,
11 and standards relating to the juvenile justice system
12 in the United States;

13 “(2) serve as an information bank by collecting
14 systematically and synthesizing the data and knowl-
15 edge obtained from studies and research by public
16 and private agencies, institutions, or individuals con-
17 cerning all aspects of juvenile delinquency, including
18 the prevention and treatment of juvenile delin-
19 quency; and

20 “(3) serve as a clearinghouse and information
21 center for the preparation, publication, and dissemi-
22 nation of all information regarding juvenile delin-
23 quency, including State and local juvenile delin-
24 quency prevention and treatment programs (includ-
25 ing drug and alcohol programs and gender-specific

1 programs) and plans, availability of resources, train-
2 ing and educational programs, statistics, and other
3 pertinent data and information.

4 **“SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION**
5 **FUNCTIONS.**

6 “(a) IN GENERAL.—The Administrator, acting
7 through the National Institute for Juvenile Crime Control
8 and Delinquency Prevention, as appropriate, may—

9 “(1) conduct, encourage, and coordinate re-
10 search and evaluation into any aspect of juvenile de-
11 linquency, particularly with regard to new programs
12 and methods that show promise of making a con-
13 tribution toward the prevention and treatment of ju-
14 venile delinquency;

15 “(2) encourage the development of demonstra-
16 tion projects in new, innovative techniques and
17 methods to prevent and treat juvenile delinquency;

18 “(3) establish or expand programs that, in rec-
19 ognition of varying degrees of the seriousness of de-
20 linquent behavior and the corresponding gradations
21 in the responses of the juvenile justice system in re-
22 sponse to that behavior, are designed to—

23 “(A) encourage courts to develop and im-
24 plement a continuum of post-adjudication re-
25 straints that bridge the gap between traditional

1 probation and confinement in a correctional set-
2 ting (including expanded use of probation, me-
3 diation, restitution, community service, treat-
4 ment, home detention, intensive supervision,
5 electronic monitoring, boot camps and similar
6 programs, and secure community-based treat-
7 ment facilities linked to other support services
8 such as health, mental health, education (reme-
9 dial and special), job training, and recreation);
10 and

11 “(B) assist in the provision by the Admin-
12 istrator of best practices of information and
13 technical assistance, including technology trans-
14 fer, to States in the design and utilization of
15 risk assessment mechanisms to aid juvenile jus-
16 tice personnel in determining appropriate sanc-
17 tions for delinquent behavior;

18 “(4) encourage the development of programs
19 that, in addition to helping youth take responsibility
20 for their behavior, through control and incarceration,
21 if necessary, provide therapeutic intervention such as
22 providing skills;

23 “(5) encourage the development and establish-
24 ment of programs to enhance the States’ ability to
25 identify chronic serious and violent juvenile offend-

1 ers who commit crimes such as rape, murder, fire-
2 arms offenses, gang-related crimes, violent felonies,
3 and serious drug offenses;

4 “(6) prepare, in cooperation with education in-
5 stitutions, with Federal, State, and local agencies,
6 and with appropriate individuals and private agen-
7 cies, such studies as it considers to be necessary
8 with respect to prevention of and intervention with
9 juvenile violence and delinquency and the improve-
10 ment of juvenile justice systems, including—

11 “(A) evaluations of programs and interven-
12 tions designed to prevent youth violence and ju-
13 venile delinquency;

14 “(B) assessments and evaluations of the
15 methodological approaches to evaluating the ef-
16 fectiveness of interventions and programs de-
17 signed to prevent youth violence and juvenile
18 delinquency;

19 “(C) studies of the extent, nature, risk,
20 and protective factors, and causes of youth vio-
21 lence and juvenile delinquency;

22 “(D) comparisons of youth adjudicated
23 and treated by the juvenile justice system com-
24 pared to juveniles waived to and adjudicated by
25 the adult criminal justice system (including in-

1 carcerated in adult, secure correctional facili-
2 ties);

3 “(E) recommendations with respect to ef-
4 fective and ineffective primary, secondary, and
5 tertiary prevention interventions, including for
6 which juveniles, and under what circumstances
7 (including circumstances connected with the
8 staffing of the intervention), prevention efforts
9 are effective and ineffective; and

10 “(F) assessments of risk prediction sys-
11 tems of juveniles used in making decisions re-
12 garding pretrial detention;

13 “(7) disseminate the results of such evaluations
14 and research and demonstration activities particu-
15 larly to persons actively working in the field of juve-
16 nile delinquency;

17 “(8) disseminate pertinent data and studies to
18 individuals, agencies, and organizations concerned
19 with the prevention and treatment of juvenile delin-
20 quency; and

21 “(9) routinely collect, analyze, compile, publish,
22 and disseminate uniform national statistics
23 concerning—

24 “(A) all aspects of juveniles as victims and
25 offenders;

1 “(B) the processing and treatment, in the
2 juvenile justice system, of juveniles who are sta-
3 tus offenders, delinquent, neglected, or abused;
4 and

5 “(C) the processing and treatment of such
6 juveniles who are treated as adults for purposes
7 of the criminal justice system.

8 “(b) PUBLIC DISCLOSURE.—The Administrator or
9 the Director, as appropriate, shall make available to the
10 public—

11 “(1) the results of research, demonstration, and
12 evaluation activities referred to in subsection (a)(8);

13 “(2) the data and studies referred to in sub-
14 section (a)(9); and

15 “(3) regular reports regarding each State’s ob-
16 jective measurements of youth violence, such as the
17 number, rate, and trend of homicides committed by
18 youths.

19 “SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNC-
20 TIONS.

21 “The Administrator, acting through the National In-
22 stitute for Crime Control and Delinquency Prevention, as
23 appropriate, may—

24 “(1) provide technical assistance and training
25 assistance to Federal, State, and local governments

1 and to courts, public and private agencies, institu-
2 tions, and individuals in the planning, establishment,
3 funding, operation, and evaluation of juvenile delin-
4 quency programs;

5 “(2) develop, conduct, and provide for training
6 programs for the training of professional, para-
7 professional, and volunteer personnel, and other per-
8 sons who are working with or preparing to work
9 with juveniles, juvenile offenders (including juveniles
10 who commit hate crimes), and their families;

11 “(3) develop, conduct, and provide for seminars,
12 workshops, and training programs in the latest prov-
13 en effective techniques and methods of preventing
14 and treating juvenile delinquency for law enforce-
15 ment officers, juvenile judges, prosecutors, and de-
16 fense attorneys, and other court personnel, probation
17 officers, correctional personnel, and other Federal,
18 State, and local government personnel who are en-
19 gaged in work relating to juvenile delinquency;

20 “(4) develop technical training teams to aid in
21 the development of training programs in the States
22 and to assist State and local agencies that work di-
23 rectly with juveniles and juvenile offenders; and

1 “(5) provide technical assistance and training
2 to assist States and units of general local govern-
3 ment.

4 **“SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.**

5 “(a) IN GENERAL.—The Administrator shall estab-
6 lish within the National Institute for Juvenile Crime Con-
7 trol and Delinquency Prevention a training program de-
8 signed to train enrollees with respect to methods and tech-
9 niques for the prevention and treatment of juvenile delin-
10 quency, including methods and techniques specifically de-
11 signed to prevent and reduce the incidence of hate crimes
12 committed by juveniles. In carrying out this program the
13 Administrator may make use of available State and local
14 services, equipment, personnel, facilities, and the like.

15 “(b) QUALIFICATIONS FOR ENROLLMENT.—Enroll-
16 ees in the training program established under this section
17 shall be drawn from law enforcement and correctional per-
18 sonnel (including volunteer lay personnel), teachers and
19 special education personnel, family counselors, child wel-
20 fare workers, juvenile judges and judicial personnel, per-
21 sons associated with law-related education, youth workers,
22 and representatives of private agencies and organizations
23 with specific experience in the prevention and treatment
24 of juvenile delinquency.

1 **“SEC. 246. REPORT ON STATUS OFFENDERS.**

2 “Not later than September 1, 2002, the Adminis-
3 trator, through the National Institute of Justice, shall—

4 “(1) conduct a study on the effect of incarcer-
5 ation on status offenders compared to similarly situ-
6 ated individuals who are not placed in secure deten-
7 tion in terms of the continuation of their inappro-
8 priate or illegal conduct, delinquency, or future
9 criminal behavior, and evaluating the safety of sta-
10 tus offenders placed in secure detention; and

11 “(2) submit to the Chairman and Ranking
12 Member of the Committee on the Judiciary of the
13 Senate and the Chairman and Ranking Member of
14 the Committee on Education and the Workforce of
15 the House of Representatives a report on the results
16 of the study conducted under paragraph (1).

17 **“SEC. 247. CONSIDERATIONS FOR APPROVAL OF APPLICA-**
18 **TIONS.**

19 “(a) IN GENERAL.—Any agency, institution, or indi-
20 vidual seeking to receive a grant, or enter into a contract,
21 under section 243, 244, or 245 shall submit an application
22 at such time, in such manner, and containing or accom-
23 panied by such information as the Administrator or the
24 Director, as appropriate, may prescribe.

25 “(b) APPLICATION CONTENTS.—In accordance with
26 guidelines established by the Administrator or the Direc-

1 tor, as appropriate, each application for assistance under
2 section 243, 244, or 245 shall—

3 “(1) set forth a program for carrying out 1 or
4 more of the purposes set forth in section 243, 244,
5 or 245, and specifically identify each such purpose
6 such program is designed to carry out;

7 “(2) provide that such program shall be admin-
8 istered by or under the supervision of the applicant;

9 “(3) provide for the proper and efficient admin-
10 istration of such program;

11 “(4) provide for regular evaluation of such pro-
12 gram; and

13 “(5) provide for such fiscal control and fund ac-
14 counting procedures as may be necessary to ensure
15 prudent use, proper disbursement, and accurate ac-
16 counting of funds received under this title.

17 “(c) FACTORS FOR CONSIDERATION.—In deter-
18 mining whether or not to approve applications for grants
19 and for contracts under this part, the Administrator or
20 the Director, as appropriate, shall consider—

21 “(1) whether the project uses appropriate and
22 rigorous methodology, including appropriate sam-
23 ples, control groups, psychometrically sound meas-
24 urement, and appropriate data analysis techniques;

1 “(2) the experience of the principal and coprin-
 2 cipal investigators in the area of youth violence and
 3 juvenile delinquency;

4 “(3) the protection offered human subjects in
 5 the study, including informed consent procedures;
 6 and

7 “(4) the cost-effectiveness of the proposed
 8 project.

9 “(d) SELECTION PROCESS.—

10 “(1) IN GENERAL.—

11 “(A) COMPETITIVE PROCESS.—Subject to
 12 subparagraph (B), programs selected for assist-
 13 ance through grants or contracts under section
 14 243, 244, or 245 shall be selected through a
 15 competitive process, which shall be established
 16 by the Administrator or the Director, as appro-
 17 priate, by rule. As part of such a process, the
 18 Administrator or the Director, as appropriate,
 19 shall announce in the Federal Register—

20 “(i) the availability of funds for such
 21 assistance;

22 “(ii) the general criteria applicable to
 23 the selection of applicants to receive such
 24 assistance; and

1 “(iii) a description of the procedures
2 applicable to submitting and reviewing ap-
3 plications for such assistance.

4 “(B) WAIVER.—The competitive process
5 described in subparagraph (A) shall not be re-
6 quired if the Administrator or the Director, as
7 appropriate, makes a written determination
8 waiving the competitive process with respect to
9 a program to be carried out in an area with re-
10 spect to which the President declares under the
11 Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 5121 et seq.)
13 that a major disaster or emergency exists.

14 “(2) REVIEW PROCESS.—

15 “(A) IN GENERAL.—Programs selected for
16 assistance through grants and contracts under
17 this part shall be selected after a competitive
18 process that provides potential grantees and
19 contractors with not less than 90 days to sub-
20 mit applications for funds. Applications for
21 funds shall be reviewed through a formal peer
22 review process by qualified scientists with ex-
23 pertise in the fields of criminology, juvenile de-
24 linquency, sociology, psychology, research meth-
25 odology, evaluation research, statistics, and re-

1 lated areas. The peer review process shall con-
2 form to the process used by the National Insti-
3 tutes of Health, the National Institute of Jus-
4 tice, or the National Science Foundation.

5 “(B) ESTABLISHMENT OF PROCESS.—

6 Such process shall be established by the Admin-
7 istrator or the Director, as appropriate, in con-
8 sultation with the Directors and other appro-
9 priate officials of the National Science Founda-
10 tion and the National Institute of Mental
11 Health. Before implementation of such process,
12 the Administrator or the Director, as appro-
13 priate, shall submit such process to such Direc-
14 tors, each of whom shall prepare and furnish to
15 the Chairman of the Committee on Education
16 and the Workforce of the House of Representa-
17 tives and the Chairman of the Committee on
18 the Judiciary of the Senate a final report con-
19 taining their comments on such process as pro-
20 posed to be established.

21 “(3) EMERGENCY EXPEDITED CONSIDER-

22 ATION.—In establishing the process required under
23 paragraphs (1) and (2), the Administrator or the
24 Director, as appropriate, shall provide for emergency
25 expedited consideration of a proposed program if the

1 Administrator or the Director, as appropriate, deter-
2 mines such action to be necessary in order to avoid
3 a delay that would preclude carrying out the pro-
4 gram.

5 “(e) EFFECT OF POPULATION.—A city shall not be
6 denied assistance under section 243, 244, or 245 solely
7 on the basis of its population.

8 “(f) NOTIFICATION PROCESS.—Notification of grants
9 and contracts made under sections 243, 244, and 245
10 (and the applications submitted for such grants and con-
11 tracts) shall, upon being made, be transmitted by the Ad-
12 ministrator or the Director, as appropriate, to the Chair-
13 man of the Committee on Education and the Workforce
14 of the House of Representatives and the Chairman of the
15 Committee on the Judiciary of the Senate.

16 **“PART D—GANG-FREE SCHOOLS AND COMMU-**
17 **NITIES; COMMUNITY-BASED GANG INTER-**
18 **VENTION**

19 **“SEC. 251. DEFINITION OF JUVENILE.**

20 “In this part, the term ‘juvenile’ means an individual
21 who has not attained the age of 22 years.

22 **“SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.**

23 “(a) IN GENERAL.—

24 “(1) The Administrator shall make grants to or
25 enter into contracts with public agencies (including

1 local educational agencies) and private nonprofit
2 agencies, organizations, and institutions to establish
3 and support programs and activities that involve
4 families and communities and that are designed to
5 carry out any of the following purposes:

6 “(A) To prevent and to reduce the partici-
7 pation of juveniles in the activities of gangs
8 that commit crimes. Such programs and activi-
9 ties may include—

10 “(i) individual, peer, family, and
11 group counseling, including the provision
12 of life skills training and preparation for
13 living independently, which shall include
14 cooperation with social services, welfare,
15 and health care programs;

16 “(ii) education and social services de-
17 signed to address the social and develop-
18 mental needs of juveniles that such juve-
19 niles would otherwise seek to have met
20 through membership in gangs;

21 “(iii) crisis intervention and coun-
22 seling to juveniles, who are particularly at
23 risk of gang involvement, and their fami-
24 lies, including assistance from social serv-
25 ice, welfare, health care, mental health,

1 and substance abuse prevention and treat-
2 ment agencies where necessary;

3 “(iv) the organization of neighborhood
4 and community groups to work closely with
5 parents, schools, law enforcement, and
6 other public and private agencies in the
7 community; and

8 “(v) training and assistance to adults
9 who have significant relationships with ju-
10 veniles who are or may become members of
11 gangs, to assist such adults in providing
12 constructive alternatives to participating in
13 the activities of gangs.

14 “(B) To develop within the juvenile adju-
15 dicatory and correctional systems new and inno-
16 vative means to address the problems of juve-
17 niles convicted of serious drug-related and
18 gang-related offenses.

19 “(C) To target elementary school students,
20 with the purpose of steering students away
21 from gang involvement.

22 “(D) To provide treatment to juveniles
23 who are members of such gangs, including
24 members who are accused of committing a seri-

1 ous crime and members who have been adju-
2 dicated as being delinquent.

3 “(E) To promote the involvement of juve-
4 niles in lawful activities in geographical areas in
5 which gangs commit crimes.

6 “(F) To promote and support, with the co-
7 operation of community-based organizations ex-
8 perienced in providing services to juveniles en-
9 gaged in gang-related activities and the co-
10 operation of local law enforcement agencies, the
11 development of policies and activities in public
12 elementary and secondary schools that will as-
13 sist such schools in maintaining a safe environ-
14 ment conducive to learning.

15 “(G) To assist juveniles who are or may
16 become members of gangs to obtain appropriate
17 educational instruction, in or outside a regular
18 school program, including the provision of coun-
19 seling and other services to promote and sup-
20 port the continued participation of such juve-
21 niles in such instructional programs.

22 “(H) To expand the availability of preven-
23 tion and treatment services relating to the ille-
24 gal use of controlled substances and controlled
25 substance analogues (as defined in paragraphs

1 (6) and (32) of section 102 of the Controlled
2 Substances Act (21 U.S.C. 802)) by juveniles,
3 provided through State and local health and so-
4 cial services agencies.

5 “(I) To provide services to prevent juve-
6 niles from coming into contact with the juvenile
7 justice system again as a result of gang-related
8 activity.

9 “(J) To provide services authorized in this
10 section at a special location in a school or hous-
11 ing project.

12 “(K) To support activities to inform juve-
13 niles of the availability of treatment and serv-
14 ices for which financial assistance is available
15 under this section.

16 “(2) From not more than 15 percent of the
17 total amount appropriated to carry out this part in
18 each fiscal year, the Administrator may make grants
19 to and enter into contracts with public agencies and
20 private nonprofit agencies, organizations, and
21 institutions—

22 “(A) to conduct research on issues related
23 to juvenile gangs;

1 “(B) to evaluate the effectiveness of pro-
2 grams and activities funded under paragraph
3 (1); and

4 “(C) to increase the knowledge of the pub-
5 lic (including public and private agencies that
6 operate or desire to operate gang prevention
7 and intervention programs) by disseminating in-
8 formation on research and on effective pro-
9 grams and activities funded under this section.

10 “(b) APPROVAL OF APPLICATIONS.—

11 “(1) IN GENERAL.—Any agency, organization,
12 or institution seeking to receive a grant, or to enter
13 into a contract, under this section shall submit an
14 application at such time, in such manner, and con-
15 taining such information as the Administrator may
16 prescribe.

17 “(2) APPLICATION CONTENTS.—In accordance
18 with guidelines established by the Administrator,
19 each application submitted under paragraph (1)
20 shall—

21 “(A) set forth a program or activity for
22 carrying out 1 or more of the purposes specified
23 in subsection (a) and specifically identify each
24 such purpose such program or activity is de-
25 signed to carry out;

1 “(B) provide that such program or activity
2 shall be administered by or under the super-
3 vision of the applicant;

4 “(C) provide for the proper and efficient
5 administration of such program or activity;

6 “(D) provide for regular evaluation of such
7 program or activity;

8 “(E) provide an assurance that the pro-
9 posed program or activity will supplement, not
10 supplant, similar programs and activities al-
11 ready available in the community;

12 “(F) describe how such program or activity
13 is coordinated with programs, activities, and
14 services available locally under part B or C of
15 this title, and under chapter 1 of subtitle B of
16 title III of the Anti-Drug Abuse Act of 1988
17 (42 U.S.C. 11801–11805);

18 “(G) certify that the applicant has re-
19 quested the State planning agency to review
20 and comment on such application and summa-
21 rize the responses of such State planning agen-
22 cy to such request;

23 “(H) provide that regular reports on such
24 program or activity shall be sent to the Admin-
25 istrator and to such State planning agency; and

1 “(I) provide for such fiscal control and
2 fund accounting procedures as may be nec-
3 essary to ensure prudent use, proper disburse-
4 ment, and accurate accounting of funds re-
5 ceived under this section.

6 “(3) PRIORITY.—In reviewing applications for
7 grants and contracts under this section, the Admin-
8 istrator shall give priority to applications—

9 “(A) submitted by, or substantially involv-
10 ing, local educational agencies (as defined in
11 section 1471 of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 2891));

13 “(B) based on the incidence and severity of
14 crimes committed by gangs whose membership
15 is composed primarily of juveniles in the geo-
16 graphical area in which the applicants propose
17 to carry out the programs and activities for
18 which such grants and contracts are requested;
19 and

20 “(C) for assistance for programs and ac-
21 tivities that—

22 “(i) are broadly supported by public
23 and private nonprofit agencies, organiza-
24 tions, and institutions located in such geo-
25 graphical area; and

1 “(ii) will substantially involve the fam-
2 ilies of juvenile gang members in carrying
3 out such programs or activities.

4 **“SEC. 253. COMMUNITY-BASED GANG INTERVENTION.**

5 “(a) IN GENERAL.—The Administrator shall make
6 grants to or enter into contracts with public and private
7 nonprofit agencies, organizations, and institutions to carry
8 out programs and activities—

9 “(1) to reduce the participation of juveniles in
10 the illegal activities of gangs;

11 “(2) to develop regional task forces involving
12 State, local, and community-based organizations to
13 coordinate the disruption of gangs and the prosecu-
14 tion of juvenile gang members and to curtail inter-
15 state activities of gangs; and

16 “(3) to facilitate coordination and cooperation
17 among—

18 “(A) local education, juvenile justice, em-
19 ployment, and social service agencies; and

20 “(B) community-based programs with a
21 proven record of effectively providing interven-
22 tion services to juvenile gang members for the
23 purpose of reducing the participation of juve-
24 niles in illegal gang activities; and

1 “(4) to support programs that, in recognition of
2 varying degrees of the seriousness of delinquent be-
3 havior and the corresponding gradations in the re-
4 sponses of the juvenile justice system in response to
5 that behavior, are designed to—

6 “(A) encourage courts to develop and im-
7 plement a continuum of post-adjudication re-
8 straints that bridge the gap between traditional
9 probation and confinement in a correctional set-
10 ting (including expanded use of probation, me-
11 diation, restitution, community service, treat-
12 ment, home detention, intensive supervision,
13 electronic monitoring, boot camps and similar
14 programs, and secure community-based treat-
15 ment facilities linked to other support services
16 such as health, mental health, education (reme-
17 dial and special), job training, and recreation);
18 and

19 “(B) assist in the provision by the Admin-
20 istrator of information and technical assistance,
21 including technology transfer, to States in the
22 design and utilization of risk assessment mech-
23 anisms to aid juvenile justice personnel in de-
24 termining appropriate sanctions for delinquent
25 behavior.

1 “(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Pro-
2 grams and activities for which grants and contracts are
3 to be made under this section may include—

4 “(1) the hiring of additional State and local
5 prosecutors, and the establishment and operation of
6 programs, including multijurisdictional task forces,
7 for the disruption of gangs and the prosecution of
8 gang members;

9 “(2) developing within the juvenile adjudicatory
10 and correctional systems new and innovative means
11 to address the problems of juveniles convicted of se-
12 rious drug-related and gang-related offenses;

13 “(3) providing treatment to juveniles who are
14 members of such gangs, including members who are
15 accused of committing a serious crime and members
16 who have been adjudicated as being delinquent;

17 “(4) promoting the involvement of juveniles in
18 lawful activities in geographical areas in which
19 gangs commit crimes;

20 “(5) expanding the availability of prevention
21 and treatment services relating to the illegal use of
22 controlled substances and controlled substances ana-
23 logues (as defined in paragraphs (6) and (32) of sec-
24 tion 102 of the Controlled Substances Act (21

1 U.S.C. 802)), by juveniles, provided through State
2 and local health and social services agencies;

3 “(6) providing services to prevent juveniles
4 from coming into contact with the juvenile justice
5 system again as a result of gang-related activity; or

6 “(7) supporting activities to inform juveniles of
7 the availability of treatment and services for which
8 financial assistance is available under this section.

9 “(c) APPROVAL OF APPLICATIONS.—

10 “(1) IN GENERAL.—Any agency, organization,
11 or institution desiring to receive a grant, or to enter
12 into a contract, under this section shall submit an
13 application at such time, in such manner, and con-
14 taining such information as the Administrator may
15 prescribe.

16 “(2) APPLICATION CONTENTS.—In accordance
17 with guidelines established by the Administrator,
18 each application submitted under paragraph (1)
19 shall—

20 “(A) set forth a program or activity for
21 carrying out 1 or more of the purposes specified
22 in subsection (a) and specifically identify each
23 such purpose such program or activity is de-
24 signed to carry out;

1 “(B) provide that such program or activity
2 shall be administered by or under the super-
3 vision of the applicant;

4 “(C) provide for the proper and efficient
5 administration of such program or activity;

6 “(D) provide for regular evaluation of such
7 program or activity;

8 “(E) provide an assurance that the pro-
9 posed program or activity will supplement, not
10 supplant, similar programs and activities al-
11 ready available in the community;

12 “(F) describe how such program or activity
13 is coordinated with programs, activities, and
14 services available locally under part B of this
15 title and under chapter 1 of subtitle B of title
16 III of the Anti-Drug Abuse Act of 1988 (42
17 U.S.C. 11801–11805);

18 “(G) certify that the applicant has re-
19 quested the State planning agency to review
20 and comment on such application and summa-
21 rize the responses of such State planning agen-
22 cy to such request;

23 “(H) provide that regular reports on such
24 program or activity shall be sent to the Admin-
25 istrator and to such State planning agency; and

1 “(I) provide for such fiscal control and
2 fund accounting procedures as may be nec-
3 essary to ensure prudent use, proper disburse-
4 ment, and accurate accounting of funds re-
5 ceived under this section.

6 “(3) PRIORITY.—In reviewing applications for
7 grants and contracts under subsection (a), the Ad-
8 ministrator shall give priority to applications—

9 “(A) submitted by, or substantially involv-
10 ing, community-based organizations experienced
11 in providing services to juveniles;

12 “(B) based on the incidence and severity of
13 crimes committed by gangs whose membership
14 is composed primarily of juveniles in the geo-
15 graphical area in which the applicants propose
16 to carry out the programs and activities for
17 which such grants and contracts are requested;
18 and

19 “(C) for assistance for programs and ac-
20 tivities that—

21 “(i) are broadly supported by public
22 and private nonprofit agencies, organiza-
23 tions, and institutions located in such geo-
24 graphical area; and

1 “(ii) will substantially involve the fam-
2 ilies of juvenile gang members in carrying
3 out such programs or activities.

4 **“SEC. 254. PRIORITY.**

5 “In making grants under this part, the Administrator
6 shall give priority to funding programs and activities de-
7 scribed in subsections (a)(2) and (b)(1) of section 253.

8 **“PART E—DEVELOPING, TESTING, AND DEM-**
9 **ONSTRATING PROMISING NEW INITIATIVES**
10 **AND PROGRAMS**

11 **“SEC. 261. GRANTS AND PROJECTS.**

12 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-
13 trator may make grants to, and enter into contracts with,
14 States, units of local government, Indian tribal govern-
15 ments, public and private agencies, organizations, and in-
16 dividuals, or combinations thereof, to carry out projects
17 for the development, testing, and demonstration of prom-
18 ising initiatives and programs for the prevention, control,
19 or reduction of juvenile delinquency. The Administrator
20 shall ensure that, to the extent reasonable and practicable,
21 such grants are made to achieve an equitable geographical
22 distribution of such projects throughout the United
23 States.

1 “(b) USE OF GRANTS.—A grant made under sub-
2 section (a) may be used to pay all or part of the cost of
3 the project for which such grant is made.

4 **“SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSIST-**
5 **ANCE.**

6 “The Administrator may make grants to, and enter
7 into contracts with, public and private agencies, organiza-
8 tions, and individuals to provide training and technical as-
9 sistance to States, units of local government, Indian tribal
10 governments, local private entities or agencies, or any
11 combination thereof, to carry out the projects for which
12 grants are made under section 261.

13 **“SEC. 263. ELIGIBILITY.**

14 “To be eligible to receive assistance pursuant to a
15 grant or contract under this part, a public or private agen-
16 cy, Indian tribal government, organization, institution, in-
17 dividual, or combination thereof, shall submit an applica-
18 tion to the Administrator at such time, in such form, and
19 containing such information as the Administrator may
20 reasonably require by rule.

21 **“SEC. 264. REPORTS.**

22 “Each recipient of assistance pursuant to a grant or
23 contract under this part shall submit to the Administrator
24 such reports as may be reasonably requested by the Ad-

1 ministrator to describe progress achieved in carrying the
2 projects for which the assistance was provided.

3 **“PART F—MENTORING**

4 **“SEC. 271. MENTORING.**

5 “The purposes of this part are to, through the use
6 of mentors for at-risk youth—

7 “(1) reduce juvenile delinquency and gang par-
8 ticipation;

9 “(2) improve academic performance; and

10 “(3) reduce the dropout rate.

11 **“SEC. 272. DEFINITIONS.**

12 “In this part—

13 “(1) the term ‘at-risk youth’ means a youth at
14 risk of educational failure, dropping out of school, or
15 involvement in criminal or delinquent activities; and

16 “(2) the term ‘mentor’ means a person who
17 works with an at-risk youth on a one-to-one basis,
18 providing a positive role model for the youth, estab-
19 lishing a supportive relationship with the youth, and
20 providing the youth with academic assistance and
21 exposure to new experiences and examples of oppor-
22 tunity that enhance the ability of the youth to be-
23 come a responsible adult.

1 **“SEC. 273. GRANTS.**

2 “The Administrator shall, by making grants to and
3 entering into contracts with local educational agencies
4 (each of which agency shall be in partnership with a public
5 or private agency, institution, or business), establish and
6 support programs and activities for the purpose of imple-
7 menting mentoring programs that—

8 “(1) are designed to link at-risk children, par-
9 ticularly children living in high crime areas and chil-
10 dren experiencing educational failure, with respon-
11 sible adults such as law enforcement officers, per-
12 sons working with local businesses, and adults work-
13 ing for community-based organizations and agencies;
14 and

15 “(2) are intended to achieve 1 or more of the
16 following goals:

17 “(A) Provide general guidance to at-risk
18 youth.

19 “(B) Promote personal and social responsi-
20 bility among at-risk youth.

21 “(C) Increase at-risk youth’s participation
22 in and enhance their ability to benefit from ele-
23 mentary and secondary education.

24 “(D) Discourage at-risk youth’s use of ille-
25 gal drugs, violence, and dangerous weapons,
26 and other criminal activity.

1 “(E) Discourage involvement of at-risk
2 youth in gangs.

3 “(F) Encourage at-risk youth’s participa-
4 tion in community service and community ac-
5 tivities.

6 **“SEC. 274. REGULATIONS AND GUIDELINES.**

7 “(a) PROGRAM GUIDELINES.—The Administrator
8 shall issue program guidelines to implement this part. The
9 program guidelines shall be effective only after a period
10 for public notice and comment.

11 “(b) MODEL SCREENING GUIDELINES.—The Admin-
12 istrator shall develop and distribute to program partici-
13 pants specific model guidelines for the screening of pro-
14 spective program mentors.

15 **“SEC. 275. USE OF GRANTS.**

16 “(a) PERMITTED USES.—Grants awarded under this
17 part shall be used to implement mentoring programs,
18 including—

19 “(1) hiring of mentoring coordinators and sup-
20 port staff;

21 “(2) recruitment, screening, and training of
22 adult mentors;

23 “(3) reimbursement of mentors for reasonable
24 incidental expenditures such as transportation that
25 are directly associated with mentoring; and

1 “(4) such other purposes as the Administrator
2 may reasonably prescribe by regulation.

3 “(b) PROHIBITED USES.—Grants awarded pursuant
4 to this part shall not be used—

5 “(1) to directly compensate mentors, except as
6 provided pursuant to subsection (a)(3);

7 “(2) to obtain educational or other materials or
8 equipment that would otherwise be used in the ordi-
9 nary course of the grantee’s operations;

10 “(3) to support litigation of any kind; or

11 “(4) for any other purpose reasonably prohib-
12 ited by the Administrator by regulation.

13 **“SEC. 276. PRIORITY.**

14 “(a) IN GENERAL.—In making grants under this
15 part, the Administrator shall give priority for awarding
16 grants to applicants that—

17 “(1) serve at-risk youth in high crime areas;

18 “(2) have 60 percent or more of their youth eli-
19 gible to receive funds under the Elementary and
20 Secondary Education Act of 1965; and

21 “(3) have a considerable number of youth who
22 drop out of school each year.

23 “(b) OTHER CONSIDERATIONS.—In making grants
24 under this part, the Administrator shall give consideration
25 to—

1 “(1) the geographic distribution (urban and
2 rural) of applications;

3 “(2) the quality of a mentoring plan,
4 including—

5 “(A) the resources, if any, that will be
6 dedicated to providing participating youth with
7 opportunities for job training or postsecondary
8 education; and

9 “(B) the degree to which parents, teachers,
10 community-based organizations, and the local
11 community participate in the design and imple-
12 mentation of the mentoring plan; and

13 “(3) the capability of the applicant to effectively
14 implement the mentoring plan.

15 **“SEC. 277. APPLICATIONS.**

16 “An application for assistance under this part shall
17 include—

18 “(1) information on the youth expected to be
19 served by the program;

20 “(2) a provision for a mechanism for matching
21 youth with mentors based on the needs of the youth;

22 “(3) an assurance that no mentor will be as-
23 signed to more than 1 youth, so as to ensure a one-
24 to-one relationship;

1 “(4) an assurance that projects operated in sec-
2 ondary schools will provide youth with a variety of
3 experiences and support, including—

4 “(A) an opportunity to spend time in a
5 work environment and, when possible, partici-
6 pate in the work environment;

7 “(B) an opportunity to witness the job
8 skills that will be required for youth to obtain
9 employment upon graduation;

10 “(C) assistance with homework assign-
11 ments; and

12 “(D) exposure to experiences that youth
13 might not otherwise encounter;

14 “(5) an assurance that projects operated in ele-
15 mentary schools will provide youth with—

16 “(A) academic assistance;

17 “(B) exposure to new experiences and ac-
18 tivities that youth might not encounter on their
19 own; and

20 “(C) emotional support;

21 “(6) an assurance that projects will be mon-
22 itored to ensure that each youth benefits from a
23 mentor relationship, with provision for a new mentor
24 assignment if the relationship is not beneficial to the
25 youth;

1 “(7) the method by which mentors and youth
2 will be recruited to the project;

3 “(8) the method by which prospective mentors
4 will be screened; and

5 “(9) the training that will be provided to men-
6 tors.

7 **“SEC. 278. GRANT CYCLES.**

8 “Each grant under this part shall be made for a 3-
9 year period.

10 **“SEC. 279. FAMILY MENTORING PROGRAM.**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘cooperative extension services’
13 has the meaning given that term in section 1404 of
14 the National Agricultural Research, Extension, and
15 Teaching Policy Act of 1977 (7 U.S.C. 3103);

16 “(2) the term ‘family mentoring program’
17 means a mentoring program that—

18 “(A) utilizes a 2-tier mentoring approach
19 that uses college age or young adult mentors
20 working directly with at-risk youth and uses re-
21 tirement-age couples working with the parents
22 and siblings of at-risk youth; and

23 “(B) has a local advisory board to provide
24 direction and advice to program administrators;
25 and

1 “(3) the term ‘qualified cooperative extension
2 service’ means a cooperative extension service that
3 has established a family mentoring program, as of
4 the date of enactment of the Violent and Repeat Ju-
5 venile Offender Accountability and Rehabilitation
6 Act of 1999.

7 “(b) MODEL PROGRAM.—The Administrator, in co-
8 operation with the Secretary of Agriculture, shall make
9 a grant to a qualified cooperative extension service for the
10 purpose of expanding and replicating family mentoring
11 programs to reduce the incidence of juvenile crime and
12 delinquency among at-risk youth.

13 “(c) ESTABLISHMENT OF NEW FAMILY MENTORING
14 PROGRAMS.—

15 “(1) IN GENERAL.—The Administrator, in co-
16 operation with the Secretary of Agriculture, may
17 make 1 or more grants to cooperative extension serv-
18 ices for the purpose of establishing family mentoring
19 programs to reduce the incidence of juvenile crime
20 and delinquency among at-risk youth.

21 “(2) MATCHING REQUIREMENT AND SOURCE OF
22 MATCHING FUNDS.—

23 “(A) IN GENERAL.—The amount of a
24 grant under this subsection may not exceed 35

1 percent of the total costs of the program funded
2 by the grant.

3 “(B) SOURCE OF MATCH.—Matching funds
4 for grants under this subsection may be derived
5 from amounts made available to a State under
6 subsections (b) and (c) of section 3 of the
7 Smith-Lever Act (7 U.S.C. 343), except that
8 the total amount derived from Federal sources
9 may not exceed 70 percent of the total cost of
10 the program funded by the grant.

11 **“PART G—ADMINISTRATIVE PROVISIONS**

12 **“SEC. 291. AUTHORIZATION OF APPROPRIATIONS.**

13 “(a) IN GENERAL.—There is authorized to be appro-
14 priated to carry out this title, and to carry out part R
15 of title I of the Omnibus Crime Control and Safe Streets
16 Act of 1968 (42 U.S.C. 3796 et seq.), \$1,000,000,000 for
17 each of fiscal years 2000 through 2005.

18 “(b) ALLOCATION OF APPROPRIATIONS.—Of the
19 amount made available under subsection (a) for each fiscal
20 year—

21 “(1) \$450,000,000 shall be for programs under
22 section 1801 of part R of title I of the Omnibus
23 Crime Control and Safe Streets Act of 1968 (42
24 U.S.C. 3796 et seq.);

1 “(2) \$75,000,000 shall be for grants for juve-
2 nile criminal history records upgrades pursuant to
3 section 1802 of part R of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (42
5 U.S.C. 3796 et seq.);

6 “(3) \$200,000,000 shall be for programs under
7 section 205 of part A of this title;

8 “(4) \$200,000,000 shall be for programs under
9 part B of this title;

10 “(5) \$40,000,000 shall be for prevention pro-
11 grams under part C of this title, of which
12 \$20,000,000 shall be for evaluation research of pri-
13 mary, secondary, and tertiary juvenile delinquency
14 programs;

15 “(6) \$20,000,000 shall be for programs under
16 parts D and E of this title; and

17 “(7) \$15,000,000 shall be for programs under
18 part F of this title, of which \$3,000,000 shall be for
19 programs under section 279.

20 “(c) SOURCE OF SUMS.—Amounts authorized to be
21 appropriated pursuant to this section may be derived from
22 the Violent Crime Reduction Trust Fund.

23 “(d) ADMINISTRATION AND OPERATIONS.—There is
24 authorized to be appropriated for the administration and
25 operation of the Office of Juvenile Crime Control and Pre-

1 vention such sums as may be necessary for each of fiscal
2 years 2000 through 2005.

3 “(e) AVAILABILITY OF FUNDS.—Amounts made
4 available pursuant to this section and allocated in accord-
5 ance with this title in any fiscal year shall remain available
6 until expended.

7 **“SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRIC-**
8 **TIONS ON USE OF AMOUNTS; PENALTIES.**

9 “(a) RELIGIOUS NONDISCRIMINATION.—The provi-
10 sions of section 104 of the Personal Responsibility and
11 Work Opportunity Reconciliation Act of 1996 (42 U.S.C.
12 604a) shall apply to a State or local government exercising
13 its authority to distribute grants to applicants under this
14 title.

15 “(b) RESTRICTIONS ON THE USE OF AMOUNTS.—

16 “(1) EXPERIMENTATION ON INDIVIDUALS.—

17 “(A) IN GENERAL.—No amounts made
18 available to carry out this title may be used for
19 any biomedical or behavior control experimen-
20 tation on individuals or any research involving
21 such experimentation.

22 “(B) DEFINITION OF BEHAVIOR CON-
23 TROL.—In this paragraph, the term ‘behavior
24 control’—

1 “(i) means any experimentation or re-
2 search employing methods that—

3 “(I) involve a substantial risk of
4 physical or psychological harm to the
5 individual subject; and

6 “(II) are intended to modify or
7 alter criminal and other antisocial be-
8 havior, including aversive conditioning
9 therapy, drug therapy, chemotherapy
10 (except as part of routine clinical
11 care), physical therapy of mental dis-
12 orders, electroconvulsive therapy, or
13 physical punishment; and

14 “(ii) does not include a limited class
15 of programs generally recognized as involv-
16 ing no such risk, including methadone
17 maintenance and certain substance abuse
18 treatment programs, psychological coun-
19 seling, parent training, behavior con-
20 tracting, survival skills training, restitu-
21 tion, or community service, if safeguards
22 are established for the informed consent of
23 subjects (including parents or guardians of
24 minors).

1 “(2) PROHIBITION AGAINST PRIVATE AGENCY
2 USE OF AMOUNTS IN CONSTRUCTION.—

3 “(A) IN GENERAL.—No amount made
4 available to any private agency or institution, or
5 to any individual, under this title (either di-
6 rectly or through a State office) may be used
7 for construction.

8 “(B) EXCEPTION.—The restriction in
9 clause (i) shall not apply to any juvenile pro-
10 gram in which training or experience in con-
11 struction or renovation is used as a method of
12 juvenile accountability or rehabilitation.

13 “(3) LOBBYING.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), no amount made available
16 under this title to any public or private agency,
17 organization or institution, or to any individual
18 shall be used to pay for any personal service,
19 advertisement, telegram, telephone communica-
20 tion, letter, printed or written matter, or other
21 device intended or designed to influence a Mem-
22 ber of Congress or any other Federal, State, or
23 local elected official to favor or oppose any Act,
24 bill, resolution, or other legislation, or any ref-
25 erendum, initiative, constitutional amendment,

1 or any other procedure of Congress, any State
2 legislature, any local council, or any similar
3 governing body.

4 “(B) EXCEPTION.—This paragraph does
5 not preclude the use of amounts made available
6 under this title in connection with communica-
7 tions to Federal, State, or local elected officials,
8 upon the request of such officials through prop-
9 er official channels, pertaining to authorization,
10 appropriation, or oversight measures directly af-
11 fecting the operation of the program involved.

12 “(4) LEGAL ACTION.—No amounts made avail-
13 able under this title to any public or private agency,
14 organization, institution, or to any individual, shall
15 be used in any way directly or indirectly to file an
16 action or otherwise take any legal action against any
17 Federal, State, or local agency, institution, or em-
18 ployee.

19 “(c) PENALTIES.—

20 “(1) IN GENERAL.—If any amounts are used
21 for the purposes prohibited in either paragraph (3)
22 or (4) of subsection (b), or in violation of subsection
23 (a)—

1 “(A) funding for the agency, organization,
2 institution, or individual at issue shall be imme-
3 diately discontinued in whole or in part; and

4 “(B) the agency, organization, institution,
5 or individual using amounts for the purpose
6 prohibited in paragraph (3) or (4) of subsection
7 (b), or in violation of subsection (a), shall be
8 liable for reimbursement of all amounts granted
9 to the individual or entity for the fiscal year for
10 which the amounts were granted.

11 “(2) LIABILITY FOR EXPENSES AND DAM-
12 AGES.—In relation to a violation of subsection
13 (b)(4), the individual filing the lawsuit or responsible
14 for taking the legal action against the Federal,
15 State, or local agency or institution, or individual
16 working for the Government, shall be individually
17 liable for all legal expenses and any other expenses
18 of the Government agency, institution, or individual
19 working for the Government, including damages as-
20 sessed by the jury against the Government agency,
21 institution, or individual working for the Govern-
22 ment, and any punitive damages.

1 **“SEC. 293. ADMINISTRATIVE PROVISIONS.**

2 “(a) AUTHORITY OF ADMINISTRATOR.—The Office
3 shall be administered by the Administrator under the gen-
4 eral authority of the Attorney General.

5 “(b) APPLICABILITY OF CERTAIN CRIME CONTROL
6 PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c),
7 812(a), 812(b), and 812(d) of the Omnibus Crime Control
8 and Safe Streets Act of 1968 (42 U.S.C. 3789d(c),
9 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b),
10 3789g(d)) shall apply with respect to the administration
11 of and compliance with this title, except that for purposes
12 of this Act—

13 “(1) any reference to the Office of Justice Pro-
14 grams in such sections shall be considered to be a
15 reference to the Assistant Attorney General who
16 heads the Office of Justice Programs; and

17 “(2) the term ‘this title’ as it appears in such
18 sections shall be considered to be a reference to this
19 title.

20 “(c) APPLICABILITY OF CERTAIN OTHER CRIME
21 CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806
22 of the Omnibus Crime Control and Safe Streets Act of
23 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply
24 with respect to the administration of and compliance with
25 this title, except that, for purposes of this title—

1 “(1) any reference to the Attorney General, the
2 Assistant Attorney General who heads the Office of
3 Justice Programs, the Director of the National In-
4 stitute of Justice, the Director of the Bureau of Jus-
5 tice Statistics, or the Director of the Bureau of Jus-
6 tice Assistance shall be considered to be a reference
7 to the Administrator;

8 “(2) any reference to the Office of Justice Pro-
9 grams, the Bureau of Justice Assistance, the Na-
10 tional Institute of Justice, or the Bureau of Justice
11 Statistics shall be considered to be a reference to the
12 Office of Juvenile Crime Control and Prevention;
13 and

14 “(3) the term ‘this title’ as it appears in those
15 sections shall be considered to be a reference to this
16 title.

17 “(d) RULES, REGULATIONS, AND PROCEDURES.—
18 The Administrator may, after appropriate consultation
19 with representatives of States and units of local govern-
20 ment, and an opportunity for notice and comment in ac-
21 cordance with subchapter II of chapter 5 of title 5, United
22 States Code, establish such rules, regulations, and proce-
23 dures as are necessary for the exercise of the functions
24 of the Office and as are consistent with the purpose of
25 this Act.

1 “(e) WITHHOLDING.—The Administrator shall ini-
2 tiate such proceedings as the Administrator determines to
3 be appropriate if the Administrator, after giving reason-
4 able notice and opportunity for hearing to a recipient of
5 financial assistance under this title, finds that—

6 “(1) the program or activity for which the
7 grant or contract involved was made has been so
8 changed that the program or activity no longer com-
9 plies with this title; or

10 “(2) in the operation of such program or activ-
11 ity there is failure to comply substantially with any
12 provision of this title.”.

13 (b) REPEAL.—Title V of the Juvenile Justice and De-
14 linquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.)
15 is repealed.

16 **SEC. 4203. RUNAWAY AND HOMELESS YOUTH.**

17 (a) FINDINGS.—Section 302 of the Runaway and
18 Homeless Youth Act (42 U.S.C. 5701) is amended—

19 (1) in paragraph (5), by striking “accurate re-
20 porting of the problem nationally and to develop”
21 and inserting “an accurate national reporting system
22 to report the problem, and to assist in the develop-
23 ment of”; and

24 (2) by striking paragraph (8) and inserting the
25 following:

1 “(8) services for runaway and homeless youth
2 are needed in urban, suburban and rural areas;”.

3 (b) AUTHORITY TO MAKE GRANTS FOR CENTERS
4 AND SERVICES.—Section 311 of the Runaway and Home-
5 less Youth Act (42 U.S.C. 5711) is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) GRANTS FOR CENTERS AND SERVICES.—

9 “(1) IN GENERAL.—The Secretary shall make
10 grants to public and nonprofit private entities (and
11 combinations of such entities) to establish and oper-
12 ate (including renovation) local centers to provide
13 services for runaway and homeless youth and for the
14 families of such youth.

15 “(2) Such services—

16 “(A) shall be provided as an alternative to
17 involving runaway and homeless youth in the
18 law enforcement, child welfare, mental health,
19 and juvenile justice systems;

20 “(B) shall include—

21 “(i) safe and appropriate shelter; and

22 “(ii) individual, family, and group
23 counseling, as appropriate; and

24 “(C) may include—

25 “(i) street-based services;

1 “(ii) home-based services for families
2 with youth at risk of separation from the
3 family; and

4 “(iii) drug abuse education and pre-
5 vention services.”;

6 (2) in subsection (b)(2), by striking “the Trust
7 Territory of the Pacific Islands,”; and

8 (3) by striking subsections (c) and (d).

9 (c) ELIGIBILITY.—Section 312 of the Runaway and
10 Homeless Youth Act (42 U.S.C. 5712) is amended—

11 (1) in subsection (b)—

12 (A) in paragraph (7), by striking “criminal
13 charges against” and inserting “criminal or de-
14 linquency charges against or the coordinated
15 delivery of services to”;

16 (B) in paragraph (8), by striking “para-
17 graph (6)” and inserting “paragraph (7)”;

18 (C) in paragraph (10), by striking “and”
19 at the end;

20 (D) in paragraph (11), by striking the pe-
21 riod at the end and inserting “; and”; and

22 (E) by adding at the end the following:

23 “(12) shall submit to the Secretary an annual
24 report that includes, with respect to the year for
25 which the report is submitted—

1 “(A) information regarding the activities
2 carried out under this part;

3 “(B) the achievements of the project under
4 this part carried out by the applicant; and

5 “(C) statistical summaries describing—

6 “(i) the number and the characteris-
7 tics of the runaway and homeless youth,
8 and youth at risk of family separation, who
9 participate in the project; and

10 “(ii) the services provided to such
11 youth by the project.”; and

12 (2) by striking subsections (c) and (d) and in-
13 serting the following:

14 “(c) APPLICANTS PROVIDING STREET-BASED SERV-
15 ICES.—To be eligible to use assistance under section
16 311(a)(2)(C)(i) to provide street-based services, the appli-
17 cant shall include in the plan required by subsection (b)
18 assurances that in providing such services the applicant
19 will—

20 “(1) provide qualified supervision of staff, in-
21 cluding on-street supervision by appropriately
22 trained staff;

23 “(2) provide backup personnel for on-street
24 staff;

1 “(3) provide initial and periodic training of
2 staff who provide such services; and

3 “(4) conduct outreach activities for runaway
4 and homeless youth, and street youth.

5 “(d) APPLICANTS PROVIDING HOME-BASED SERV-
6 ICES.—To be eligible to use assistance under section
7 311(a) to provide home-based services described in section
8 311(a)(2)(C)(ii), an applicant shall include in the plan re-
9 quired by subsection (b) assurances that in providing such
10 services the applicant will—

11 “(1) provide counseling and information to
12 youth and the families (including unrelated individ-
13 uals in the family households) of such youth, includ-
14 ing services relating to basic life skills, interpersonal
15 skill building, educational advancement, job attain-
16 ment skills, mental and physical health care, par-
17 enting skills, financial planning, and referral to
18 sources of other needed services;

19 “(2) provide directly, or through an arrange-
20 ment made by the applicant, 24-hour service to re-
21 spond to family crises (including immediate access to
22 temporary shelter for runaway and homeless youth,
23 and youth at risk of separation from the family);

24 “(3) establish, in partnership with the families
25 of runaway and homeless youth, and youth at risk

1 of separation from the family, objectives and meas-
 2 ures of success to be achieved as a result of receiv-
 3 ing home-based services;

4 “(4) provide initial and periodic training of
 5 staff who provide home-based services; and

6 “(5) ensure that—

7 “(A) caseloads will remain sufficiently low
 8 to allow for intensive (5 to 20 hours per week)
 9 involvement with each family receiving such
 10 services; and

11 “(B) staff providing such services will re-
 12 ceive qualified supervision.

13 “(e) APPLICANTS PROVIDING DRUG ABUSE EDU-
 14 CATION AND PREVENTION SERVICES.—To be eligible to
 15 use assistance under section 311(a)(2)(C)(iii) to provide
 16 drug abuse education and prevention services, an appli-
 17 cant shall include in the plan required by subsection (b)—

18 “(1) a description of—

19 “(A) the types of such services that the ap-
 20 plicant proposes to provide;

21 “(B) the objectives of such services; and

22 “(C) the types of information and training
 23 to be provided to individuals providing such
 24 services to runaway and homeless youth; and

1 “(2) an assurance that in providing such serv-
2 ices the applicant shall conduct outreach activities
3 for runaway and homeless youth.”.

4 (d) APPROVAL OF APPLICATIONS.—Section 313 of
5 the Runaway and Homeless Youth Act (42 U.S.C. 5713)
6 is amended to read as follows:

7 **“SEC. 313. APPROVAL OF APPLICATIONS.**

8 “(a) IN GENERAL.—An application by a public or
9 private entity for a grant under section 311(a) may be
10 approved by the Secretary after taking into consideration,
11 with respect to the State in which such entity proposes
12 to provide services under this part—

13 “(1) the geographical distribution in such State
14 of the proposed services under this part for which all
15 grant applicants request approval; and

16 “(2) which areas of such State have the great-
17 est need for such services.

18 “(b) PRIORITY.—In selecting applications for grants
19 under section 311(a), the Secretary shall give priority to—

20 “(1) eligible applicants who have demonstrated
21 experience in providing services to runaway and
22 homeless youth; and

23 “(2) eligible applicants that request grants of
24 less than \$200,000.”.

1 (e) AUTHORITY FOR TRANSITIONAL LIVING GRANT
2 PROGRAM.—Section 321 of the Runaway and Homeless
3 Youth Act (42 U.S.C. 5714–1) is amended—

4 (1) in the section heading, by striking “PUR-
5 POSE AND”;

6 (2) in subsection (a), by striking “(a)”; and

7 (3) by striking subsection (b).

8 (f) ELIGIBILITY.—Section 322(a)(9) of the Runaway
9 and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is
10 amended by inserting “, and the services provided to such
11 youth by such project,” after “such project”.

12 (g) COORDINATION.—Section 341 of the Runaway
13 and Homeless Youth Act (42 U.S.C. 5714–21) is amended
14 to read as follows:

15 **“SEC. 341. COORDINATION.**

16 “With respect to matters relating to the health, edu-
17 cation, employment, and housing of runaway and homeless
18 youth, the Secretary—

19 “(1) through the Administrator of the Office of
20 Juvenile Crime Control and Prevention, shall coordi-
21 nate the activities of agencies of the Department of
22 Health and Human Services with activities under
23 any other Federal juvenile crime control, prevention,
24 and juvenile offender accountability program and
25 with the activities of other Federal entities; and

1 “(2) shall coordinate the activities of agencies
 2 of the Department of Health and Human Services
 3 with the activities of other Federal entities and with
 4 the activities of entities that are eligible to receive
 5 grants under this title.”.

6 (h) AUTHORITY TO MAKE GRANTS FOR RESEARCH,
 7 EVALUATION, DEMONSTRATION, AND SERVICE
 8 PROJECTS.—Section 343 of the Runaway and Homeless
 9 Youth Act (42 U.S.C. 5714–23) is amended—

10 (1) in the section heading, by inserting “EVAL-
 11 UATION,” after “RESEARCH,”;

12 (2) in subsection (a), by inserting “evaluation,”
 13 after “research,”; and

14 (3) in subsection (b)—

15 (A) by striking paragraph (2); and

16 (B) by redesignating paragraphs (3)
 17 through (10) as paragraphs (2) through (9), re-
 18 spectively.

19 (i) ASSISTANCE TO POTENTIAL GRANTEEES.—Section
 20 371 of the Runaway and Homeless Youth Act (42 U.S.C.
 21 5714a) is amended by striking the last sentence.

22 (j) REPORTS.—Section 381 of the Runaway and
 23 Homeless Youth Act (42 U.S.C. 5715) is amended to read
 24 as follows:

1 **“SEC. 381. REPORTS.**

2 “(a) IN GENERAL.—Not later than April 1, 2000 and
3 biennially thereafter, the Secretary shall submit, to the
4 Committee on Education and the Workforce of the House
5 of Representatives and the Committee on the Judiciary
6 of the Senate, a report on the status, activities, and ac-
7 complishments of entities that receive grants under parts
8 A, B, C, D, and E, with particular attention to—

9 “(1) in the case of centers funded under part
10 A, the ability or effectiveness of such centers in—

11 “(A) alleviating the problems of runaway
12 and homeless youth;

13 “(B) if applicable or appropriate, reuniting
14 such youth with their families and encouraging
15 the resolution of intrafamily problems through
16 counseling and other services;

17 “(C) strengthening family relationships
18 and encouraging stable living conditions for
19 such youth; and

20 “(D) assisting such youth to decide upon a
21 future course of action; and

22 “(2) in the case of projects funded under part
23 B—

24 “(A) the number and characteristics of
25 homeless youth served by such projects;

1 “(B) the types of activities carried out by
2 such projects;

3 “(C) the effectiveness of such projects in
4 alleviating the problems of homeless youth;

5 “(D) the effectiveness of such projects in
6 preparing homeless youth for self-sufficiency;

7 “(E) the effectiveness of such projects in
8 assisting homeless youth to decide upon future
9 education, employment, and independent living;

10 “(F) the ability of such projects to encour-
11 age the resolution of intrafamily problems
12 through counseling and development of self-suf-
13 ficient living skills; and

14 “(G) activities and programs planned by
15 such projects for the following fiscal year.

16 “(b) CONTENTS OF REPORTS.—The Secretary shall
17 include in each report submitted under subsection (a),
18 summaries of—

19 “(1) the evaluations performed by the Secretary
20 under section 386; and

21 “(2) descriptions of the qualifications of, and
22 training provided to, individuals involved in carrying
23 out such evaluations.”.

24 (k) REPORTS.—Section 383 of the Runaway and
25 Homeless Youth Act (42 U.S.C. 5731) is amended by

1 striking “Records” and inserting “Except for the purposes
 2 of the disposition of criminal or delinquency charges
 3 against or the coordinated delivery of services to individual
 4 youths, records”.

5 (l) EVALUATION.—Section 384 of the Runaway and
 6 Homeless Youth Act (42 U.S.C. 5732) is amended to read
 7 as follows:

8 **“SEC. 384. EVALUATION AND INFORMATION.**

9 “(a) IN GENERAL.—If a grantee receives grants for
 10 3 consecutive fiscal years under part A, B, C, D, or E
 11 (in the alternative), then the Secretary shall evaluate such
 12 grantee on-site, not less frequently than once in the period
 13 of such 3 consecutive fiscal years, for purposes of—

14 “(1) determining whether such grants are being
 15 used for the purposes for which such grants are
 16 made by the Secretary;

17 “(2) collecting additional information for the re-
 18 port required by section 383; and

19 “(3) providing such information and assistance
 20 to such grantee as will enable such grantee to im-
 21 prove the operation of the centers, projects, and ac-
 22 tivities for which such grants are made.

23 “(b) COOPERATION.—Recipients of grants under this
 24 title shall cooperate with the Secretary’s efforts to carry

1 out evaluations, and to collect information, under this
2 title.”.

3 (m) AUTHORIZATION OF APPROPRIATIONS.—Section
4 385 of the Runaway and Homeless Youth Act (42 U.S.C.
5 5751) is amended to read as follows:

6 **“SEC. 389. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) IN GENERAL.—

8 “(1) AUTHORIZATION.—There is authorized to
9 be appropriated to carry out this title (other than
10 part E) such sums as may be necessary for each of
11 fiscal years 2000 through 2005.

12 “(2) ALLOCATION.—

13 “(A) PARTS A AND B.—From the amount
14 appropriated under paragraph (1) for a fiscal
15 year, the Secretary shall reserve not less than
16 90 percent to carry out parts A and B.

17 “(B) PART B.—Of the amount reserved
18 under subparagraph (A), not less than 20 per-
19 cent, and not more than 30 percent, shall be re-
20 served to carry out part B.

21 “(3) PARTS C AND D.—In each fiscal year,
22 after reserving the amounts required by paragraph
23 (2), the Secretary shall use the remaining amount
24 (if any) to carry out parts C and D.

1 “(b) SEPARATE IDENTIFICATION REQUIRED.—No
 2 funds appropriated to carry out this title may be combined
 3 with funds appropriated under any other Act if the pur-
 4 pose of combining such funds is to make a single discre-
 5 tionary grant, or a single discretionary payment, unless
 6 such funds are separately identified in all grants and con-
 7 tracts and are used for the purposes specified in this
 8 title.”.

9 (n) SEXUAL ABUSE PREVENTION PROGRAM.—

10 (1) AUTHORITY FOR PROGRAM.—The Runaway
 11 and Homeless Youth Act (42 U.S.C. 5701 et seq.)
 12 is amended—

13 (A) by striking the heading for part F;

14 (B) by redesignating part E as part F; and

15 (C) by inserting after part D the following:

16 **“PART E—SEXUAL ABUSE PREVENTION**
 17 **PROGRAM**

18 **“SEC. 351. AUTHORITY TO MAKE GRANTS.**

19 “(a) IN GENERAL.—The Secretary may make grants
 20 to nonprofit private agencies for the purpose of providing
 21 street-based services to runaway and homeless, and street
 22 youth, who have been subjected to, or are at risk of being
 23 subjected to, sexual abuse, prostitution, or sexual exploi-
 24 tation.

1 “(b) PRIORITY.—In selecting applicants to receive
2 grants under subsection (a), the Secretary shall give pri-
3 ority to nonprofit private agencies that have experience in
4 providing services to runaway and homeless, and street
5 youth.”.

6 (2) AUTHORIZATION OF APPROPRIATIONS.—

7 Section 389(a) of the Runaway and Homeless Youth
8 Act (42 U.S.C. 5751), as amended by subsection
9 (m) of this section, is amended by adding at the end
10 the following:

11 “(4) PART E.—There is authorized to be appro-
12 priated to carry out part E such sums as may be
13 necessary for each of fiscal years 2000 through
14 2005.”.

15 (o) CONSOLIDATED REVIEW OF APPLICATIONS.—

16 The Runaway and Homeless Youth Act (42 U.S.C. 5701
17 et seq.) is amended by inserting after section 384 the fol-
18 lowing:

19 **“SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.**

20 “With respect to funds available to carry out parts
21 A, B, C, D, and E, nothing in this title shall be construed
22 to prohibit the Secretary from—

23 “(1) announcing, in a single announcement, the
24 availability of funds for grants under 2 or more of
25 such parts; and

1 “(2) reviewing applications for grants under 2
2 or more of such parts in a single, consolidated appli-
3 cation review process.”.

4 (p) DEFINITIONS.—The Runaway and Homeless
5 Youth Act (42 U.S.C. 5701 et seq.) is amended by insert-
6 ing after section 385, as added by subsection (o) of this
7 section, the following:

8 **“SEC. 386. DEFINITIONS.**

9 “In this title:

10 “(1) DRUG ABUSE EDUCATION AND PREVEN-
11 TION SERVICES.—The term ‘drug abuse education
12 and prevention services’—

13 “(A) means services to runaway and home-
14 less youth to prevent or reduce the illicit use of
15 drugs by such youth; and

16 “(B) may include—

17 “(i) individual, family, group, and
18 peer counseling;

19 “(ii) drop-in services;

20 “(iii) assistance to runaway and
21 homeless youth in rural areas (including
22 the development of community support
23 groups);

24 “(iv) information and training relating
25 to the illicit use of drugs by runaway and

1 homeless youth, to individuals involved in
2 providing services to such youth; and

3 “(v) activities to improve the avail-
4 ability of local drug abuse prevention serv-
5 ices to runaway and homeless youth.

6 “(2) HOME-BASED SERVICES.—The term
7 ‘home-based services’—

8 “(A) means services provided to youth and
9 their families for the purpose of—

10 “(i) preventing such youth from run-
11 ning away, or otherwise becoming sepa-
12 rated, from their families; and

13 “(ii) assisting runaway youth to re-
14 turn to their families; and

15 “(B) includes services that are provided in
16 the residences of families (to the extent prac-
17 ticable), including—

18 “(i) intensive individual and family
19 counseling; and

20 “(ii) training relating to life skills and
21 parenting.

22 “(3) HOMELESS YOUTH.—The term ‘homeless
23 youth’ means an individual—

24 “(A) who is—

1 “(i) not more than 21 years of age;

2 and

3 “(ii) for the purposes of part B, not

4 less than 16 years of age;

5 “(B) for whom it is not possible to live in

6 a safe environment with a relative; and

7 “(C) who has no other safe alternative liv-

8 ing arrangement.

9 “(4) STREET-BASED SERVICES.—The term
10 ‘street-based services’—

11 “(A) means services provided to runaway

12 and homeless youth, and street youth, in areas

13 where they congregate, designed to assist such

14 youth in making healthy personal choices re-

15 garding where they live and how they behave;

16 and

17 “(B) may include—

18 “(i) identification of and outreach to

19 runaway and homeless youth, and street

20 youth;

21 “(ii) crisis intervention and coun-

22 seling;

23 “(iii) information and referral for

24 housing;

1 “(iv) information and referral for
2 transitional living and health care services;

3 “(v) advocacy, education, and preven-
4 tion services related to—

5 “(I) alcohol and drug abuse;

6 “(II) sexual exploitation;

7 “(III) sexually transmitted dis-
8 eases, including human immuno-
9 deficiency virus (HIV); and

10 “(IV) physical and sexual as-
11 sault.

12 “(5) STREET YOUTH.—The term ‘street youth’
13 means an individual who—

14 “(A) is—

15 “(i) a runaway youth; or

16 “(ii) indefinitely or intermittently a
17 homeless youth; and

18 “(B) spends a significant amount of time
19 on the street or in other areas that increase the
20 risk to such youth for sexual abuse, sexual ex-
21 ploitation, prostitution, or drug abuse.

22 “(6) TRANSITIONAL LIVING YOUTH PROJECT.—
23 The term ‘transitional living youth project’ means a
24 project that provides shelter and services designed to

1 promote a transition to self-sufficient living and to
2 prevent long-term dependency on social services.

3 “(7) YOUTH AT RISK OF SEPARATION FROM
4 THE FAMILY.—The term ‘youth at risk of separation
5 from the family’ means an individual—

6 “(A) who is less than 18 years of age; and

7 “(B)(i) who has a history of running away
8 from the family of such individual;

9 “(ii) whose parent, guardian, or custodian
10 is not willing to provide for the basic needs of
11 such individual; or

12 “(iii) who is at risk of entering the child
13 welfare system or juvenile justice system as a
14 result of the lack of services available to the
15 family to meet such needs.”.

16 (q) REDESIGNATION OF SECTIONS.—Sections 371,
17 372, 381, 382, 383, 384, 385, and 386 of the Runaway
18 and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.),
19 as amended by this title, are redesignated as sections 381,
20 382, 383, 384, 385, 386, 387, and 388, respectively.

21 (r) TECHNICAL AND CONFORMING AMENDMENT.—
22 Section 331 of the Runaway and Homeless Youth Act (42
23 U.S.C. 5701 et seq.) is amended in the first sentence by
24 striking “With” and all that follows through “the Sec-
25 retary”, and inserting “The Secretary”.

1 **SEC. 4204. NATIONAL CENTER FOR MISSING AND EX-**
2 **PLOITED CHILDREN.**

3 (a) FINDINGS.—Section 402 of the Missing Chil-
4 dren’s Assistance Act (42 U.S.C. 5771) is amended—

5 (1) in paragraph (7), by striking “and” at the
6 end;

7 (2) in paragraph (8), by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(9) for 14 years, the National Center for Miss-
11 ing and Exploited Children has—

12 “(A) served as the national resource center
13 and clearinghouse congressionally mandated
14 under the provisions of the Missing Children’s
15 Assistance Act of 1984; and

16 “(B) worked in partnership with the De-
17 partment of Justice, the Federal Bureau of In-
18 vestigation, the Department of the Treasury,
19 the Department of State, and many other agen-
20 cies in the effort to find missing children and
21 prevent child victimization;

22 “(10) Congress has given the Center, which is
23 a private non-profit corporation, access to the Na-
24 tional Crime Information Center of the Federal Bu-
25 reau of Investigation, and the National Law En-
26 forcement Telecommunications System;

1 “(11) since 1987, the Center has operated the
2 National Child Pornography Tipline, in conjunction
3 with the United States Customs Service and the
4 United States Postal Inspection Service and, begin-
5 ning this year, the Center established a new
6 CyberTipline on child exploitation, thus becoming
7 ‘the 911 for the Internet’;

8 “(12) in light of statistics that time is of the es-
9 sence in cases of child abduction, the Director of the
10 Federal Bureau of Investigation in February of
11 1997 created a new NCIC child abduction (‘CA’)
12 flag to provide the Center immediate notification in
13 the most serious cases, resulting in 642 ‘CA’ notifi-
14 cations to the Center and helping the Center to have
15 its highest recovery rate in history;

16 “(13) the Center has established a national and
17 increasingly worldwide network, linking the Center
18 online with each of the missing children clearing-
19 houses operated by the 50 States, the District of Co-
20 lumbia, and Puerto Rico, as well as with Scotland
21 Yard in the United Kingdom, the Royal Canadian
22 Mounted Police, INTERPOL headquarters in Lyon,
23 France, and others, which has enabled the Center to
24 transmit images and information regarding missing

1 children to law enforcement across the United States
2 and around the world instantly;

3 “(14) from its inception in 1984 through March
4 31, 1998, the Center has—

5 “(A) handled 1,203,974 calls through its
6 24-hour toll-free hotline (1-800-THE-LOST)
7 and currently averages 700 calls per day;

8 “(B) trained 146,284 law enforcement,
9 criminal and juvenile justice, and healthcare
10 professionals in child sexual exploitation and
11 missing child case detection, identification, in-
12 vestigation, and prevention;

13 “(C) disseminated 15,491,344 free publica-
14 tions to citizens and professionals; and

15 “(D) worked with law enforcement on the
16 cases of 59,481 missing children, resulting in
17 the recovery of 40,180 children;

18 “(15) the demand for the services of the Center
19 is growing dramatically, as evidenced by the fact
20 that in 1997, the Center handled 129,100 calls, an
21 all-time record, and by the fact that its new Internet
22 website (www.missingkids.com) receives 1,500,000
23 ‘hits’ every day, and is linked with hundreds of other
24 websites to provide real-time images of breaking
25 cases of missing children;

1 “(16) in 1997, the Center provided policy train-
2 ing to 256 police chiefs and sheriffs from 50 States
3 and Guam at its new Jimmy Ryce Law Enforcement
4 Training Center;

5 “(17) the programs of the Center have had a
6 remarkable impact, such as in the fight against in-
7 fant abductions in partnership with the healthcare
8 industry, during which the Center has performed
9 668 onsite hospital walk-throughs and inspections,
10 and trained 45,065 hospital administrators, nurses,
11 and security personnel, and thereby helped to reduce
12 infant abductions in the United States by 82 per-
13 cent;

14 “(18) the Center is now playing a significant
15 role in international child abduction cases, serving as
16 a representative of the Department of State at cases
17 under The Hague Convention, and successfully re-
18 solving the cases of 343 international child abduc-
19 tions, and providing greater support to parents in
20 the United States;

21 “(19) the Center is a model of public/private
22 partnership, raising private sector funds to match
23 congressional appropriations and receiving extensive
24 private in-kind support, including advanced tech-
25 nology provided by the computer industry such as

1 imaging technology used to age the photographs of
2 long-term missing children and to reconstruct facial
3 images of unidentified deceased children;

4 “(20) the Center was 1 of only 10 of 300 major
5 national charities given an A+ grade in 1997 by the
6 American Institute of Philanthropy; and

7 “(21) the Center has been redesignated as the
8 Nation’s missing children clearinghouse and resource
9 center once every 3 years through a competitive se-
10 lection process conducted by the Office of Juvenile
11 Justice and Delinquency Prevention of the Depart-
12 ment of Justice, and has received grants from that
13 Office to conduct the crucial purposes of the Cen-
14 ter.”.

15 (b) DEFINITIONS.—Section 403 of the Missing Chil-
16 dren’s Assistance Act (42 U.S.C. 5772) is amended—

17 (1) in paragraph (1), by striking “and” at the
18 end;

19 (2) in paragraph (2), by striking the period at
20 the end and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(3) the term ‘Center’ means the National Cen-
23 ter for Missing and Exploited Children.”.

1 (c) DUTIES AND FUNCTIONS OF THE ADMINIS-
2 TRATOR.—Section 404 of the Missing Children’s Assist-
3 ance Act (42 U.S.C. 5773) is amended—

4 (1) by redesignating subsection (c) as sub-
5 section (d); and

6 (2) by striking subsection (b) and inserting the
7 following:

8 “(b) ANNUAL GRANT TO NATIONAL CENTER FOR
9 MISSING AND EXPLOITED CHILDREN.—

10 “(1) IN GENERAL.—The Administrator shall
11 annually make a grant to the National Center for
12 Missing and Exploited Children, which shall be used
13 to—

14 “(A)(i) operate a national 24-hour toll-free
15 telephone line by which individuals may report
16 information regarding the location of any miss-
17 ing child, or other child 13 years of age or
18 younger whose whereabouts are unknown to
19 such child’s legal custodian, and request infor-
20 mation pertaining to procedures necessary to
21 reunite such child with such child’s legal custo-
22 dian; and

23 “(ii) coordinate the operation of such tele-
24 phone line with the operation of the national
25 communications system referred to in part C of

1 the Runaway and Homeless Youth Act (42
2 U.S.C. 5714–11);

3 “(B) operate the official national resource
4 center and information clearinghouse for miss-
5 ing and exploited children;

6 “(C) provide to State and local govern-
7 ments, public and private nonprofit agencies,
8 and individuals, information regarding—

9 “(i) free or low-cost legal, restaurant,
10 lodging, and transportation services that
11 are available for the benefit of missing and
12 exploited children and their families; and

13 “(ii) the existence and nature of pro-
14 grams being carried out by Federal agen-
15 cies to assist missing and exploited chil-
16 dren and their families;

17 “(D) coordinate public and private pro-
18 grams that locate, recover, or reunite missing
19 children with their families;

20 “(E) disseminate, on a national basis, in-
21 formation relating to innovative and model pro-
22 grams, services, and legislation that benefit
23 missing and exploited children;

24 “(F) provide technical assistance and
25 training to law enforcement agencies, State and

1 local governments, elements of the criminal jus-
2 tice system, public and private nonprofit agen-
3 cies, and individuals in the prevention, inves-
4 tigation, prosecution, and treatment of cases in-
5 volving missing and exploited children; and

6 “(G) provide assistance to families and law
7 enforcement agencies in locating and recovering
8 missing and exploited children, both nationally
9 and internationally.

10 “(2) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to the Ad-
12 ministrator to carry out this subsection,
13 \$10,000,000 for each of fiscal years 2000 through
14 2005.

15 “(c) NATIONAL INCIDENCE STUDIES.—The Adminis-
16 trator, either by making grants to or entering into con-
17 tracts with public agencies or nonprofit private agencies,
18 shall—

19 “(1) periodically conduct national incidence
20 studies to determine for a given year the actual
21 number of children reported missing each year, the
22 number of children who are victims of abduction by
23 strangers, the number of children who are the vic-
24 tims of parental kidnappings, and the number of chil-
25 dren who are recovered each year; and

1 “(2) provide to State and local governments,
 2 public and private nonprofit agencies, and individ-
 3 uals information to facilitate the lawful use of school
 4 records and birth certificates to identify and locate
 5 missing children.”.

6 (d) NATIONAL CENTER FOR MISSING AND EX-
 7 PLOITED CHILDREN.—Section 405(a) of the Missing Chil-
 8 dren’s Assistance Act (42 U.S.C. 5775(a)) is amended by
 9 inserting “the National Center for Missing and Exploited
 10 Children and with” before “public agencies”.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
 12 408 of the Missing Children’s Assistance Act (42 U.S.C.
 13 5777) is amended by striking “1997 through 2001” and
 14 inserting “2000 through 2005”.

15 (f) REPEAL OF OBSOLETE REPORTING REQUIRE-
 16 MENTS.—Section 409 of the Missing Children’s Assistance
 17 Act (42 U.S.C. 5778) is repealed.

18 **SEC. 4205. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-**
 19 **SIONS.**

20 (a) DEFINITIONS.—In this section, unless otherwise
 21 provided or indicated by the context:

22 (1) ADMINISTRATOR.—The term “Adminis-
 23 trator” means the Administrator of the Office of Ju-
 24 venile Crime Control and Prevention established by
 25 operation of subsection (b).

1 (2) ADMINISTRATOR OF THE OFFICE.—The
2 term “Administrator of the Office” means the Ad-
3 ministrator of the Office of Juvenile Justice and De-
4 linquency Prevention.

5 (3) BUREAU OF JUSTICE ASSISTANCE.—The
6 term “Bureau of Justice Assistance” means the bu-
7 reau established under section 401 of title I of the
8 Omnibus Crime Control and Safe Streets Act of
9 1968.

10 (4) FEDERAL AGENCY.—The term “Federal
11 agency” has the meaning given the term “agency”
12 by section 551(1) of title 5, United States Code.

13 (5) FUNCTION.—The term “function” means
14 any duty, obligation, power, authority, responsibility,
15 right, privilege, activity, or program.

16 (6) OFFICE OF JUVENILE CRIME CONTROL AND
17 PREVENTION.—The term “Office of Juvenile Crime
18 Control and Prevention” means the office estab-
19 lished by operation of subsection (b).

20 (7) OFFICE OF JUVENILE JUSTICE AND DELIN-
21 QUENCY PREVENTION.—The term “Office of Juve-
22 nile Justice and Delinquency Prevention” means the
23 Office of Juvenile Justice and Delinquency Preven-
24 tion of the Department of Justice, established by
25 section 201 of the Juvenile Justice and Delinquency

1 Prevention Act of 1974, as in effect on the day be-
2 fore the date of enactment of this Act.

3 (8) OFFICE.—The term “office” includes any
4 office, administration, agency, institute, unit, organi-
5 zational entity, or component thereof.

6 (b) TRANSFER OF FUNCTIONS.—There are trans-
7 ferred to the Office of Juvenile Crime Control and Preven-
8 tion all functions that the Administrator of the Office ex-
9 ercised before the date of enactment of this Act (including
10 all related functions of any officer or employee of the Of-
11 fice of Juvenile Justice and Delinquency Prevention), and
12 authorized after the date of enactment of this Act, relating
13 to carrying out the Juvenile Justice and Delinquency Pre-
14 vention Act of 1974.

15 (c) TRANSFER AND ALLOCATIONS OF APPROPRIA-
16 TIONS AND PERSONNEL.—

17 (1) IN GENERAL.—Except as otherwise pro-
18 vided in this section, the personnel employed in con-
19 nection with, and the assets, liabilities, contracts,
20 property, records, and unexpended balances of ap-
21 propriations, authorizations, allocations, and other
22 amounts employed, used, held, arising from, avail-
23 able to, or to be made available in connection with
24 the functions transferred by this section, subject to
25 section 1531 of title 31, United States Code, shall

1 be transferred to the Office of Juvenile Crime Con-
2 trol and Prevention.

3 (2) UNEXPENDED AMOUNTS.—Any unexpended
4 amounts transferred pursuant to this subsection
5 shall be used only for the purposes for which the
6 amounts were originally authorized and appro-
7 priated.

8 (d) INCIDENTAL TRANSFERS.—

9 (1) IN GENERAL.—The Director of the Office of
10 Management and Budget, at such time or times as
11 the Director of that Office shall provide, may make
12 such determinations as may be necessary with re-
13 gard to the functions transferred by this section, and
14 to make such additional incidental dispositions of
15 personnel, assets, liabilities, grants, contracts, prop-
16 erty, records, and unexpended balances of appropria-
17 tions, authorizations, allocations, and other amounts
18 held, used, arising from, available to, or to be made
19 available in connection with such functions, as may
20 be necessary to carry out this section.

21 (2) TERMINATION OF AFFAIRS.—The Director
22 of the Office of Management and Budget shall pro-
23 vide for the termination of the affairs of all entities
24 terminated by this section and for such further

1 measures and dispositions as may be necessary to ef-
2 fectuate the purposes of this section.

3 (e) EFFECT ON PERSONNEL.—

4 (1) IN GENERAL.—Except as otherwise pro-
5 vided by this section, the transfer pursuant to this
6 section of full-time personnel (except special Govern-
7 ment employees) and part-time personnel holding
8 permanent positions shall not cause any such em-
9 ployee to be separated or reduced in grade or com-
10 pensation for 1 year after the date of transfer of
11 such employee under this section.

12 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
13 as otherwise provided in this section, any person
14 who, on the day before the date of enactment of this
15 Act, held a position compensated in accordance with
16 the Executive Schedule prescribed in chapter 53 of
17 title 5, United States Code, and who, without a
18 break in service, is appointed in the Office of Juve-
19 nile Crime Control and Prevention to a position hav-
20 ing duties comparable to the duties performed imme-
21 diately preceding such appointment shall continue to
22 be compensated in such new position at not less
23 than the rate provided for such previous position, for
24 the duration of the service of such person in such
25 new position.

1 (3) TRANSITION RULE.—The incumbent Ad-
2 ministrator of the Office as of the date immediately
3 preceding the date of enactment of this Act shall
4 continue to serve as Administrator after the date of
5 enactment of this Act until such time as the incum-
6 bent resigns, is relieved of duty by the President, or
7 an Administrator is appointed by the President, by
8 and with the advice and consent of the Senate.

9 (f) SAVINGS PROVISIONS.—

10 (1) CONTINUING EFFECT OF LEGAL DOCU-
11 MENTS.—All orders, determinations, rules, regula-
12 tions, permits, agreements, grants, contracts, certifi-
13 cates, licenses, registrations, privileges, and other
14 administrative actions—

15 (A) that have been issued, made, granted,
16 or allowed to become effective by the President,
17 any Federal agency or official thereof, or by a
18 court of competent jurisdiction, in the perform-
19 ance of functions that are transferred under
20 this section; and

21 (B) that are in effect at the time this sec-
22 tion takes effect, or were final before the date
23 of enactment of this Act and are to become ef-
24 fective on or after the date of enactment of this
25 Act, shall continue in effect according to their

1 terms until modified, terminated, superseded,
2 set aside, or revoked in accordance with law by
3 the President, the Administrator, or other au-
4 thorized official, a court of competent jurisdic-
5 tion, or by operation of law.

6 (2) PROCEEDINGS NOT AFFECTED.—

7 (A) IN GENERAL.—This section shall not
8 affect any proceedings, including notices of pro-
9 posed rulemaking, or any application for any li-
10 cense, permit, certificate, or financial assistance
11 pending before the Office of Juvenile Justice
12 and Delinquency Prevention on the date on
13 which this section takes effect, with respect to
14 functions transferred by this section but such
15 proceedings and applications shall be continued.

16 (B) ORDERS; APPEALS; PAYMENTS.—Or-
17 ders shall be issued in such proceedings, ap-
18 peals shall be taken therefrom, and payments
19 shall be made pursuant to such orders, as if
20 this section had not been enacted, and orders
21 issued in any such proceedings shall continue in
22 effect until modified, terminated, superseded, or
23 revoked by a duly authorized official, by a court
24 of competent jurisdiction, or by operation of
25 law.

1 (C) DISCONTINUANCE OR MODIFICA-
2 TION.—Nothing in this paragraph shall be con-
3 strued to prohibit the discontinuance or modi-
4 fication of any such proceeding under the same
5 terms and conditions and to the same extent
6 that such proceeding could have been discon-
7 tinued or modified if this paragraph had not
8 been enacted.

9 (3) SUITS NOT AFFECTED.—This section shall
10 not affect suits commenced before the date of enact-
11 ment of this Act, and in all such suits, proceedings
12 shall be had, appeals taken, and judgments rendered
13 in the same manner and with the same effect as if
14 this section had not been enacted.

15 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
16 tion, or other proceeding commenced by or against
17 the Office of Juvenile Justice and Delinquency Pre-
18 vention, or by or against any individual in the offi-
19 cial capacity of such individual as an officer of the
20 Office of Juvenile Justice and Delinquency Preven-
21 tion, shall abate by reason of the enactment of this
22 section.

23 (5) ADMINISTRATIVE ACTIONS RELATING TO
24 PROMULGATION OF REGULATIONS.—Any administra-
25 tive action relating to the preparation or promulga-

1 tion of a regulation by the Office of Juvenile Justice
2 and Delinquency Prevention relating to a function
3 transferred under this section may be continued, to
4 the extent authorized by this section, by the Office
5 of Juvenile Crime Control and Prevention with the
6 same effect as if this section had not been enacted.

7 (g) TRANSITION.—The Administrator may utilize—

8 (1) the services of such officers, employees, and
9 other personnel of the Office of Juvenile Justice and
10 Delinquency Prevention with respect to functions
11 transferred to the Office of Juvenile Crime Control
12 and Prevention by this section; and

13 (2) amounts appropriated to such functions for
14 such period of time as may reasonably be needed to
15 facilitate the orderly implementation of this section.

16 (h) REFERENCES.—Reference in any other Federal
17 law, Executive order, rule, regulation, or delegation of au-
18 thority, or any document of or relating to—

19 (1) the Administrator of the Office of Juvenile
20 Justice and Delinquency Prevention with regard to
21 functions transferred by operation of subsection (b),
22 shall be considered to refer to the Administrator of
23 the Office of Juvenile Crime Control and Prevention;
24 and

1 (2) the Office of Juvenile Justice and Delin-
2 quency Prevention with regard to functions trans-
3 ferred by operation of subsection (b), shall be con-
4 sidered to refer to the Office of Juvenile Crime Con-
5 trol and Prevention.

6 (i) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) Section 5315 of title 5, United States Code,
8 is amended by striking “Administrator, Office of Ju-
9 venile Justice and Delinquency Prevention” and in-
10 serting “Administrator, Office of Juvenile Crime
11 Control and Prevention”.

12 (2) Section 4351(b) of title 18, United States
13 Code, is amended by striking “Office of Juvenile
14 Justice and Delinquency Prevention” and inserting
15 “Office of Juvenile Crime Control and Prevention”.

16 (3) Subsections (a)(1) and (c) of section 3220
17 of title 39, United States Code, are each amended
18 by striking “Office of Juvenile Justice and Delin-
19 quency Prevention” each place it appears and insert-
20 ing “Office of Juvenile Crime Control and Preven-
21 tion”.

22 (4) Section 463(f) of the Social Security Act
23 (42 U.S.C. 663(f)) is amended by striking “Office of
24 Juvenile Justice and Delinquency Prevention” and

1 inserting “Office of Juvenile Crime Control and Pre-
2 vention”.

3 (5) Sections 801(a), 804, 805, and 813 of title
4 I of the Omnibus Crime Control and Safe Streets
5 Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786,
6 3789i) are amended by striking “Office of Juvenile
7 Justice and Delinquency Prevention” each place it
8 appears and inserting “Office of Juvenile Crime
9 Control and Prevention”.

10 (6) The Victims of Child Abuse Act of 1990
11 (42 U.S.C. 13001 et seq.) is amended—

12 (A) in section 214(b)(1) by striking “262,
13 293, and 296 of subpart II of title II” and in-
14 serting “299B and 299E”;

15 (B) in section 214A(c)(1) by striking
16 “262, 293, and 296 of subpart II of title II”
17 and inserting “299B and 299E”;

18 (C) in sections 217 and 222 by striking
19 “Office of Juvenile Justice and Delinquency
20 Prevention” each place it appears and inserting
21 “Office of Juvenile Crime Control and Preven-
22 tion”; and

23 (D) in section 223(c) by striking “section
24 262, 293, and 296” and inserting “sections
25 262, 299B, and 299E”.

1 (7) The Missing Children’s Assistance Act (42
2 U.S.C. 5771 et seq.) is amended—

3 (A) in section 403(2) by striking “Justice
4 and Delinquency Prevention” and inserting
5 “Crime Control and Delinquency Prevention”;
6 and

7 (B) in subsections (a)(5)(E) and (b)(1)(B)
8 of section 404 by striking “section 313” and in-
9 serting “section 331”.

10 (8) The Crime Control Act of 1990 (42 U.S.C.
11 13001 et seq.) is amended—

12 (A) in section 217(c)(1) by striking “sec-
13 tions 262, 293, and 296 of subpart II of title
14 II” and inserting “sections 299B and 299E”;
15 and

16 (B) in section 223(c) by striking “section
17 262, 293, and 296 of title II” and inserting
18 “sections 299B and 299E”.

19 (j) REFERENCES.—In any Federal law (excluding
20 this Act and the Acts amended by this Act), Executive
21 order, rule, regulation, order, delegation of authority,
22 grant, contract, suit, or document a reference to the Office
23 of Juvenile Justice and Delinquency Prevention shall be
24 deemed to include a reference to the Office of Juvenile
25 Crime Control and Prevention.

1 **CHAPTER 2—ACCOUNTABILITY FOR JUVENILE**
2 **OFFENDERS AND PUBLIC PRO-**
3 **TECTION INCENTIVE GRANTS**

4 **SEC. 4221. BLOCK GRANT PROGRAM.**

5 (a) IN GENERAL.—Part R of title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
7 3796 et seq.) is amended to read as follows:

8 **“PART R—JUVENILE ACCOUNTABILITY BLOCK**
9 **GRANTS**

10 **“SEC. 1801. PROGRAM AUTHORIZED.**

11 “(a) IN GENERAL.—The Attorney General shall
12 make, subject to the availability of appropriations, grants
13 to States for use by States and units of local government
14 in planning, establishing, operating, coordinating, and
15 evaluating projects, directly or through grants and con-
16 tracts with public and private agencies, for the develop-
17 ment of more effective investigation, prosecution, and pun-
18 ishment (including the imposition of graduated sanctions)
19 of crimes or acts of delinquency committed by juveniles,
20 programs to improve the administration of justice for and
21 ensure accountability by juvenile offenders, and programs
22 to reduce the risk factors (such as truancy, drug or alcohol
23 use, and gang involvement) associated with juvenile crime
24 or delinquency.

1 “(b) USE OF GRANTS.—Grants under this section
2 may be used by States and units of local government—

3 “(1) for programs to enhance the identification,
4 investigation, prosecution, and punishment of juve-
5 nile offenders, such as—

6 “(A) the utilization of graduated sanctions;

7 “(B) the utilization of short-term confine-
8 ment of juvenile offenders;

9 “(C) the incarceration of violent juvenile
10 offenders for extended periods of time;

11 “(D) the hiring of juvenile prosecutors, ju-
12 venile public defenders, juvenile judges, juvenile
13 probation officers, and juvenile correctional offi-
14 cers to implement policies to control juvenile
15 crime and ensure accountability of juvenile of-
16 fenders; and

17 “(E) the development and implementation
18 of coordinated, multi-agency systems for—

19 “(i) the comprehensive and coordi-
20 nated booking, identification, and assess-
21 ment of juveniles arrested or detained by
22 law enforcement agencies, including the
23 utilization of multi-agency facilities such as
24 juvenile assessment centers; and

1 “(ii) the coordinated delivery of sup-
2 port services for juveniles who have had or
3 are at risk for contact with the juvenile or
4 criminal systems, including utilization of
5 court-established local service delivery
6 councils;

7 “(2) for programs that require juvenile offend-
8 ers to make restitution to the victims of offenses
9 committed by those juvenile offenders;

10 “(3) for programs that require juvenile offend-
11 ers to attend and successfully complete school or vo-
12 cational training as part of a sentence imposed by
13 a court;

14 “(4) for programs that require juvenile offend-
15 ers who are parents to demonstrate parental respon-
16 sibility by working and paying child support;

17 “(5) for programs that seek to curb or punish
18 truancy;

19 “(6) for programs designed to collect, record,
20 retain, and disseminate information useful in the
21 identification, prosecution, and sentencing of juvenile
22 offenders, such as criminal history information, fin-
23 gerprints, DNA tests, and ballistics tests;

24 “(7) for the development and implementation of
25 coordinated multijurisdictional or multiagency pro-

1 grams for the identification, control, supervision,
2 prevention, investigation, and treatment of the most
3 serious juvenile offenses and offenders, popularly
4 known as a ‘SHOCAP Program’ (Serious Habitual
5 Offenders Comprehensive Action Program);

6 “(8) for the development and implementation of
7 coordinated multijurisdictional or multiagency pro-
8 grams for the identification, control, supervision,
9 prevention, investigation, and disruption of youth
10 gangs;

11 “(9) for the construction or remodeling of
12 short- and long-term facilities for juvenile offenders;

13 “(10) for the development and implementation
14 of technology, equipment, training programs for ju-
15 venile crime control, for law enforcement officers,
16 judges, prosecutors, probation officers, and other
17 court personnel who are employed by State and local
18 governments, in furtherance of the purposes identi-
19 fied in this section; and

20 “(11) for programs to seek to target, curb, and
21 punish adults who knowingly and intentionally use a
22 juvenile during the commission or attempted com-
23 mission of a crime, including programs that specifi-
24 cally provide for additional punishments or sentence
25 enhancements for adults who knowingly and inten-

1 tionally use a juvenile during the commission or at-
2 tempted commission of a crime.

3 “(c) REQUIREMENTS.—To be eligible to receive an in-
4 centive grant under this section, a State shall submit to
5 the Attorney General an application, in such form as shall
6 be prescribed by the Attorney General, which shall contain
7 assurances that, not later than 1 year after the date on
8 which the State submits such application—

9 “(1) the State has established or will establish
10 a system of graduated sanctions for juvenile offend-
11 ers that ensures appropriate sanctions, which are
12 graduated to reflect the severity or repeated nature
13 of violations, for each act of delinquency;

14 “(2) the State has established or will establish
15 a policy of drug testing (including followup testing)
16 juvenile offenders upon their arrest for any offense
17 within an appropriate category of offenses des-
18 ignated by the chief executive officer of the State;
19 and

20 “(3) the State has an established policy recog-
21 nizing the rights and needs of victims of crimes com-
22 mitted by juveniles.

23 “(d) ALLOCATION AND DISTRIBUTION OF STATE
24 GRANTS.—

25 “(1) IN GENERAL.—

1 “(A) STATE AND LOCAL DISTRIBUTION.—

2 Subject to subparagraph (B), of amounts made
3 available to the State, 30 percent may be re-
4 tained by the State for use pursuant to para-
5 graph (2) and 70 percent shall be reserved by
6 the State for local distribution pursuant to
7 paragraph (3).

8 “(B) SPECIAL RULE.—The Attorney Gen-
9 eral may waive the requirements of this para-
10 graph with respect to any State in which the
11 criminal and juvenile justice services for delin-
12 quent or other youth are organized primarily on
13 a statewide basis, in which case not more than
14 50 percent of funds shall be made available to
15 all units of local government in that State pur-
16 suant to paragraph (3).

17 “(2) OTHER DISTRIBUTION.—Of amounts re-
18 tained by the State under paragraph (1) not less
19 than 50 percent shall be designated for—

20 “(A) programs pursuant to paragraph (1)
21 or (9) of subsection (b), except that if the State
22 designates any amounts for purposes of con-
23 struction or remodeling of short- or long-term
24 facilities pursuant to subsection (b)(9), such
25 amounts shall constitute not more than 50 per-

cent of the estimated construction or remodeling cost and that no funds expended pursuant to this subparagraph may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense, and no funds expended pursuant to this subparagraph may be used for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities; or

“(B) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3).

“(3) LOCAL ELIGIBILITY AND DISTRIBUTION.—

“(A) IN GENERAL.—

“(i) LOCAL DISTRIBUTION SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs

1 that comply with the eligibility require-
2 ments of subsection (c).

3 “(ii) COORDINATED LOCAL EFFORT.—

4 Prior to receiving a grant under this sec-
5 tion, a unit of local government shall cer-
6 tify that it has or will establish a coordi-
7 nated enforcement plan for reducing juve-
8 nile crime within the jurisdiction of the
9 unit of local government, developed by a
10 juvenile crime enforcement coalition, such
11 coalition consisting of individuals within
12 the jurisdiction representing the police,
13 sheriff, prosecutor, State or local probation
14 services, juvenile court, schools, business,
15 and religious affiliated, fraternal, non-
16 profit, or social service organizations in-
17 volved in crime prevention.

18 “(B) SPECIAL RULE.—The requirements
19 of subparagraph (A) shall apply to an eligible
20 unit that receives funds from the Attorney Gen-
21 eral under subparagraph (H), except that infor-
22 mation that would otherwise be submitted to
23 the State shall be submitted to the Attorney
24 General.

1 “(C) LOCAL DISTRIBUTION.—From
2 amounts reserved for local distribution under
3 paragraph (1), the State shall allocate to such
4 units of local government an amount that bears
5 the same ratio to the aggregate amount of such
6 funds as—

7 “(i) the sum of—

8 “(I) the product of—

9 “(aa) two-thirds; multiplied
10 by

11 “(bb) the average law en-
12 forcement expenditure for such
13 unit of local government for the
14 3 most recent calendar years for
15 which such data is available; plus

16 “(II) the product of—

17 “(aa) one-third; multiplied
18 by

19 “(bb) the average annual
20 number of part 1 violent crimes
21 in such unit of local government
22 for the 3 most recent calendar
23 years for which such data is
24 available, bears to—

1 “(ii) the sum of the products deter-
2 mined under subparagraph (A) for all such
3 units of local government in the State.

4 “(D) EXPENDITURES.—The allocation any
5 unit of local government shall receive under
6 paragraph (1) for a payment period shall not
7 exceed 100 percent of law enforcement expendi-
8 tures of the unit for such payment period.

9 “(E) REALLOCATION.—The amount of any
10 unit of local government’s allocation that is not
11 available to such unit by operation of paragraph
12 (2) shall be available to other units of local gov-
13 ernment that are not affected by such operation
14 in accordance with this subsection.

15 “(F) UNAVAILABILITY OF DATA FOR UNITS
16 OF LOCAL GOVERNMENT.—If the State has rea-
17 son to believe that the reported rate of part 1
18 violent crimes or law enforcement expenditure
19 for a unit of local government is insufficient or
20 inaccurate, the State shall—

21 “(i) investigate the methodology used
22 by the unit to determine the accuracy of
23 the submitted data; and

24 “(ii) if necessary, use the best avail-
25 able comparable data regarding the num-

1 ber of violent crimes or law enforcement
2 expenditure for the relevant years for the
3 unit of local government.

4 “(G) LOCAL GOVERNMENT WITH ALLOCA-
5 TIONS LESS THAN \$5,000.—If, under this sec-
6 tion, a unit of local government is allocated less
7 than \$5,000 for a payment period, the amount
8 allocated shall be expended by the State on
9 services to units of local government whose al-
10 lotment is less than such amount in a manner
11 consistent with this part.

12 “(H) DIRECT GRANTS TO ELIGIBLE
13 UNITS.—

14 “(i) IN GENERAL.—If a State does
15 not qualify or apply for a grant under this
16 section, by the application deadline estab-
17 lished by the Attorney General, the Attor-
18 ney General shall reserve not more than 70
19 percent of the allocation that the State
20 would have received for grants under this
21 section under subsection (e) for such fiscal
22 year to provide grants to eligible units that
23 meet the requirements for funding under
24 subparagraph (A).

1 “(ii) AWARD BASIS.—In addition to
2 the qualification requirements for direct
3 grants for eligible units the Attorney Gen-
4 eral may use the average amount allocated
5 by the States to like governmental units as
6 a basis for awarding grants under this sec-
7 tion.

8 “(I) ALLOCATION BY UNITS OF LOCAL
9 GOVERNMENT.—Of amounts made available
10 under this section to a unit of local government,
11 not less than 50 percent shall be designated
12 for—

13 “(i) paragraph (1) or (9) of sub-
14 section (b), except that, if amounts are al-
15 located for purposes of construction or re-
16 modeling of short- or long-term facilities
17 pursuant to subsection (b)(9)—

18 “(I) the unit of local government
19 shall coordinate such expenditures
20 with similar State expenditures;

21 “(II) Federal funds shall con-
22 stitute not more than 50 percent of
23 the estimated construction or remod-
24 eling cost; and

1 “(III) no funds expended pursu-
2 ant to this clause may be used for the
3 incarceration of any offender who was
4 more than 21 years of age at the time
5 of the offense or for construction, ren-
6 ovation, or expansion of facilities for
7 such offenders, except that funds may
8 be used to construct juvenile facilities
9 collocated with adult facilities, includ-
10 ing separate buildings for juveniles
11 and separate juvenile wings, cells, or
12 areas collocated within an adult jail or
13 lockup; or

14 “(ii) drug testing upon arrest for any
15 offense within the category of offenses des-
16 ignated pursuant to subsection (c)(3), and
17 intensive supervision thereafter pursuant
18 to programs under subsection (b)(7) and
19 subsection (c)(3).

20 “(4) NONSUPPLANTATION.—Amounts made
21 available under this section to the States (or units
22 of local government in the State) shall not be used
23 to supplant State or local funds (or in the case of
24 Indian tribal governments, to supplant amounts pro-
25 vided by the Bureau of Indian Affairs) but shall be

1 used to increase the amount of funds that would in
2 the absence of amounts received under this section,
3 be made available from a State or local source, or
4 in the case of Indian tribal governments, from
5 amounts provided by the Bureau of Indian Affairs.

6 “(e) ALLOCATION OF GRANTS AMONG QUALIFYING
7 STATES; RESTRICTIONS ON USE.—

8 “(1) ALLOCATION.—Amounts made available
9 under this section shall be allocated as follows:

10 “(A) 0.5 percent shall be allocated to each
11 eligible State.

12 “(B) The amount remaining after the allo-
13 cation under subparagraph (A) shall be allo-
14 cated proportionately based on the population
15 that is less than 18 years of age in the eligible
16 States.

17 “(2) RESTRICTIONS ON USE.—Amounts made
18 available under this section shall be subject to the
19 restrictions of subsections (a) and (b) of section 292
20 of the Juvenile Justice and Delinquency Prevention
21 Act of 1974, except that the penalties in section
22 292(c) of such Act do not apply.

23 “(f) GRANTS TO INDIAN TRIBES.—

24 “(1) RESERVATION OF FUNDS.—Notwith-
25 standing any other provision of law, from the

1 amounts appropriated pursuant to section 291 of the
2 Juvenile Justice and Delinquency Prevention Act of
3 1974, for each fiscal year, the Attorney General
4 shall reserve an amount equal to the amount to
5 which all Indian tribes eligible to receive a grant
6 under paragraph (3) would collectively be entitled, if
7 such tribes were collectively treated as a State to
8 carry out this subsection.

9 “(2) GRANTS TO INDIAN TRIBES.—From the
10 amounts reserved under paragraph (1), the Attorney
11 General shall make grants to Indian tribes for pro-
12 grams pursuant to the permissible purposes under
13 section 1801.

14 “(3) APPLICATIONS.—To be eligible to receive a
15 grant under this subsection, an Indian tribe shall
16 submit to the Attorney General an application in
17 such form and containing such information as the
18 Attorney General may by regulation require. The re-
19 quirements of subsection (c) apply to grants under
20 this subsection.

21 **“SEC. 1802. JUVENILE CRIMINAL HISTORY GRANTS.**

22 “(a) IN GENERAL.—The Attorney General, through
23 the Director of the Bureau of Justice Statistics and with
24 consultation and coordination with the Office of Justice
25 Programs and the Attorney General, upon application

1 from a State (in such form and containing such informa-
2 tion as the Attorney General may reasonably require) shall
3 make a grant to each eligible State to be used by the State
4 exclusively for purposes of meeting the eligibility require-
5 ments of subsection (b).

6 “(b) ELIGIBILITY.—A State is eligible for a grant
7 under subsection (a) if its application provides assurances
8 that, not later than 3 years after the date on which such
9 application is submitted, the State will—

10 “(1) maintain, at the adult State central reposi-
11 tory in accordance with the State’s established prac-
12 tices and policies relating to adult criminal history
13 records—

14 “(A) a fingerprint supported record of the
15 adjudication of delinquency of any juvenile who
16 commits an act that, if committed by an adult,
17 would constitute the offense of murder, armed
18 robbery, rape (except statutory rape), or a fel-
19 ony offense involving sexual molestation of a
20 child, or a conspiracy or attempt to commit any
21 such offense (all as defined by State law), that
22 is equivalent to, and maintained and dissemi-
23 nated in the same manner and for the same
24 purposes as are adult criminal history records
25 for the same offenses, except that the record

1 may include a notation of expungement pursu-
2 ant to State law; and

3 “(B) a fingerprint supported record of the
4 adjudication of delinquency of any juvenile who
5 commits an act that, if committed by an adult,
6 would be a felony other than a felony described
7 in subparagraph (A) that is equivalent to, and
8 maintained and disseminated in the same man-
9 ner for any criminal justice purpose as are
10 adult criminal history records for the same of-
11 fenses, except that the record may include a no-
12 tation of expungement pursuant to State law;
13 and

14 “(2) will establish procedures by which an offi-
15 cial of an elementary, secondary, and post-secondary
16 school may, in appropriate circumstances (as defined
17 by applicable State law), gain access to the juvenile
18 adjudication record of a student enrolled at the
19 school, or a juvenile who seeks, intends, or is in-
20 structed to enroll at that school, if—

21 “(A) the official is subject to the same
22 standards and penalties under applicable Fed-
23 eral and State law relating to the handling and
24 disclosure of information contained in juvenile
25 adjudication records as are employees of law

1 enforcement and juvenile justice agencies in the
2 State; and

3 “(B) information contained in the juvenile
4 adjudication record may not be used for the
5 purpose of making an admission determination.

6 “(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing
7 in this section shall require States, in order to qualify for
8 grants under this title, to modify laws concerning the sta-
9 tus of any adjudication of juvenile delinquency or judg-
10 ment of conviction under the law of the State that entered
11 the judgment.

12 “(d) DEFINITIONS.—In this section—

13 “(1) the term ‘criminal justice purpose’ means
14 the use by and within the criminal justice system for
15 the detection, apprehension, detention, pretrial re-
16 lease, post-trial release, prosecution, adjudication,
17 sentencing, disposition, correctional supervision, or
18 rehabilitation of accused persons, criminal offenders,
19 or juvenile delinquents; and

20 “(2) the term ‘expungement’ means the nul-
21 lification of the legal effect of the conviction or adju-
22 dication to which the record applies.”.

1 **SEC. 4222. PILOT PROGRAM TO PROMOTE REPLICATION OF**
2 **RECENT SUCCESSFUL JUVENILE CRIME RE-**
3 **DUCTION STRATEGIES.**

4 (a) PILOT PROGRAM TO PROMOTE REPLICATION OF
5 RECENT SUCCESSFUL JUVENILE CRIME REDUCTION
6 STRATEGIES.—

7 (1) ESTABLISHMENT.—The Attorney General
8 (or a designee of the Attorney General), in conjunc-
9 tion with the Secretary of the Treasury (or the des-
10 ignee of the Secretary), shall establish a pilot pro-
11 gram (referred to in this section as the “program”)
12 to encourage and support communities that adopt a
13 comprehensive approach to suppressing and pre-
14 venting violent juvenile crime patterned after suc-
15 cessful State juvenile crime reduction strategies.

16 (2) PROGRAM.—In carrying out the program,
17 the Attorney General shall—

18 (A) make and track grants to grant recipi-
19 ents (referred to in this section as “coalitions”);

20 (B) in conjunction with the Secretary of
21 the Treasury, provide for technical assistance
22 and training, data collection, and dissemination
23 of relevant information; and

24 (C) provide for the general administration
25 of the program.

1 (3) ADMINISTRATION.—Not later than 30 days
2 after the date of enactment of this Act, the Attorney
3 General shall appoint or designate an Administrator
4 (referred to in this section as the “Administrator”)
5 to carry out the program.

6 (4) PROGRAM AUTHORIZATION.—To be eligible
7 to receive an initial grant or a renewal grant under
8 this section, a coalition shall meet each of the fol-
9 lowing criteria:

10 (A) COMPOSITION.—The coalition shall
11 consist of 1 or more representatives of—

12 (i) the local police department or sher-
13 iff’s department;

14 (ii) the local prosecutors’ office;

15 (iii) the United States Attorney’s of-
16 fice;

17 (iv) the Federal Bureau of Investiga-
18 tion;

19 (v) the Bureau of Alcohol, Tobacco
20 and Firearms;

21 (vi) State or local probation officers;

22 (vii) religious affiliated or fraternal
23 organizations involved in crime prevention;

24 (viii) schools;

1 (ix) parents or local grass roots orga-
2 nizations such as neighborhood watch
3 groups; and

4 (x) social service agencies involved in
5 crime prevention.

6 (B) OTHER PARTICIPANTS.—If possible, in
7 addition to the representatives from the cat-
8 egories listed in subparagraph (A), the coalition
9 shall include—

10 (i) representatives from the business
11 community; and

12 (ii) researchers who have studied
13 criminal justice and can offer technical or
14 other assistance.

15 (C) COORDINATED STRATEGY.—A coalition
16 shall submit to the Attorney General, or the At-
17 torney General’s designee, a comprehensive plan
18 for reducing violent juvenile crime. To be eligi-
19 ble for consideration, a plan shall—

20 (i) ensure close collaboration among
21 all members of the coalition in suppressing
22 and preventing juvenile crime;

23 (ii) place heavy emphasis on coordi-
24 nated enforcement initiatives, such as Fed-
25 eral and State programs that coordinate

1 local police departments, prosecutors, and
2 local community leaders to focus on the
3 suppression of violent juvenile crime involv-
4 ing gangs;

5 (iii) ensure that there is close collabo-
6 ration between police and probation offi-
7 cers in the supervision of juvenile offend-
8 ers, such as initiatives that coordinate the
9 efforts of parents, school officials, and po-
10 lice and probation officers to patrol the
11 streets and make home visits to ensure
12 that offenders comply with the terms of
13 their probation;

14 (iv) ensure that a program is in place
15 to trace all firearms seized from crime
16 scenes or offenders in an effort to identify
17 illegal gun traffickers; and

18 (v) ensure that effective crime preven-
19 tion programs are in place, such as pro-
20 grams that provide after-school safe havens
21 and other opportunities for at-risk youth to
22 escape or avoid gang or other criminal ac-
23 tivity, and to reduce recidivism.

24 (D) ACCOUNTABILITY.—A coalition shall—

1 (i) establish a system to measure and
2 report outcomes consistent with common
3 indicators and evaluation protocols estab-
4 lished by the Administrator and that re-
5 ceives the approval of the Administrator;
6 and

7 (ii) devise a detailed model for meas-
8 uring and evaluating the success of the
9 plan of the coalition in reducing violent ju-
10 venile crime, and provide assurances that
11 the plan will be evaluated on a regular
12 basis to assess progress in reducing violent
13 juvenile crime.

14 (5) GRANT AMOUNTS.—

15 (A) IN GENERAL.—The Administrator may
16 grant to an eligible coalition under this para-
17 graph, an amount not to exceed the amount of
18 non-Federal funds raised by the coalition, in-
19 cluding in-kind contributions, for that fiscal
20 year.

21 (B) NONSUPPLANTING REQUIREMENT.—A
22 coalition seeking funds shall provide reasonable
23 assurances that funds made available under this
24 program to States or units of local government
25 shall be so used as to supplement and increase

1 (but not supplant) the level of the State, local,
2 and other non-Federal funds that would in the
3 absence of such Federal funds be made avail-
4 able for programs described in this section, and
5 shall in no event replace such State, local, or
6 other non-Federal funds.

7 (C) SUSPENSION OF GRANTS.—If a coali-
8 tion fails to continue to meet the criteria set
9 forth in this section, the Administrator may
10 suspend the grant, after providing written no-
11 tice to the grant recipient and an opportunity
12 to appeal.

13 (D) RENEWAL GRANTS.—Subject to sub-
14 paragraph (D), the Administrator may award a
15 renewal grant to grant recipient under this sub-
16 paragraph for each fiscal year following the fis-
17 cal year for which an initial grant is awarded,
18 in an amount not to exceed the amount of non-
19 Federal funds raised by the coalition, including
20 in-kind contributions, for that fiscal year, dur-
21 ing the 4-year period following the period of the
22 initial grant.

23 (E) LIMITATION.—The amount of a grant
24 award under this section may not exceed
25 \$300,000 for a fiscal year.

1 (6) PERMITTED USE OF FUNDS.—A coalition
2 receiving funds under this section may expend such
3 Federal funds on any use or program that is con-
4 tained in the plan submitted to the Administrator.

5 (7) CONGRESSIONAL CONSULTATION.—

6 (A) IN GENERAL.—Two years after the
7 date of implementation of the program estab-
8 lished in this section, the Comptroller General
9 of the United States shall submit to Congress
10 a report reviewing the effectiveness of the pro-
11 gram in suppressing and reducing violent juve-
12 nile crime in the participating communities.

13 (B) CONTENTS OF REPORT.—The report
14 submitted under subparagraph (A) shall
15 include—

16 (i) an analysis of each community
17 participating in the program, along with
18 information regarding the plan undertaken
19 in the community, and the effectiveness of
20 the plan in reducing violent juvenile crime;
21 and

22 (ii) recommendations regarding the ef-
23 ficacy of continuing the program.

24 (b) INFORMATION COLLECTION AND DISSEMINATION
25 WITH RESPECT TO COALITIONS.—

1 (1) COALITION INFORMATION.—For the pur-
2 pose of audit and examination, the Attorney
3 General—

4 (A) shall have access to any books, docu-
5 ments, papers, and records that are pertinent to
6 any grant or grant renewal request under this
7 section; and

8 (B) may periodically request information
9 from a coalition to ensure that the coalition
10 meets the applicable criteria.

11 (2) REPORTING.—The Attorney General shall,
12 to the maximum extent practicable and in a manner
13 consistent with applicable law, minimize reporting
14 requirements by a coalition and expedite any appli-
15 cation for a renewal grant made under this section.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be
18 appropriated to carry out this section \$3,000,000 for
19 each of fiscal years 2000 through 2003.

20 (2) SOURCE OF SUMS.—Amounts authorized to
21 be appropriated pursuant to this subsection may be
22 derived from the Violent Crime Reduction Trust
23 Fund.

1 **SEC. 4223. REPEAL OF UNNECESSARY AND DUPLICATIVE**
2 **PROGRAMS.**

3 (a) VIOLENT CRIME CONTROL AND LAW ENFORCE-
4 MENT ACT OF 1994.—

5 (1) TITLE III.—Title III of the Violent Crime
6 Control and Law Enforcement Act of 1994 (42
7 U.S.C. 13741 et seq.) is amended by striking sub-
8 titles A through C, and subtitles G through S.

9 (2) TITLE XXVII.—Title XXVII of the Violent
10 Crime Control and Law Enforcement Act of 1994
11 (42 U.S.C. 14191 et seq.) is repealed.

12 (b) REFORM OF GREAT PROGRAM.—Section
13 32401(a) of the Violent Crime Control and Law Enforce-
14 ment Act of 1994 (42 U.S.C. 13921(a)) is amended—

15 (1) by striking paragraph (2) and inserting the
16 following:

17 “(2) SELECTION OF COMMUNITIES.—

18 “(A) IN GENERAL.—Each community iden-
19 tified for a GREAT project referred to in para-
20 graph (1) shall be selected by the Secretary of
21 the Treasury on the basis of—

22 “(i) the level of gang activity and
23 youth violence in the area in which the
24 community is located;

1 “(ii) the number of schools in the
2 community in which training would be pro-
3 vided under the project;

4 “(iii) the number of students who
5 would receive the training referred to in
6 clause (ii) in schools referred to in that
7 clause; and

8 “(iv) a written description from offi-
9 cials of the community explaining the man-
10 ner in which funds made available to the
11 community under this section would be al-
12 located.

13 “(B) EQUITABLE SELECTION.—The Sec-
14 retary of the Treasury shall ensure that—

15 “(i) communities are identified and
16 selected for GREAT projects under this
17 subsection on an equitable geographic basis
18 (except that this clause shall not be con-
19 strued to require the termination of any
20 projects selected prior to the beginning of
21 fiscal year 1999); and

22 “(ii) the communities referred to in
23 clause (i) include rural communities.”; and

24 (2) in paragraph (3)—

1 (A) in subparagraph (A), by striking “50
2 percent” and inserting “85 percent”; and

3 (B) in subparagraph (B), by striking “50
4 percent” and inserting “15 percent”.

5 **SEC. 4224. EXTENSION OF VIOLENT CRIME REDUCTION**
6 **TRUST FUND.**

7 Section 310001(b) of the Violent Crime Control and
8 Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is
9 amended—

10 (1) in paragraph (5), by striking “and” at the
11 end;

12 (2) in paragraph (6), by striking the period at
13 the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(7) for fiscal year 2001, \$1,000,000,000.”.

16 **SEC. 4225. REIMBURSEMENT OF STATES FOR COSTS OF IN-**
17 **CARCERATING JUVENILE ALIENS.**

18 (a) IN GENERAL.—Section 501 of the Immigration
19 Reform and Control Act of 1986 (8 U.S.C. 1365) is
20 amended—

21 (1) in subsection (a), by inserting “or illegal ju-
22 venile alien who has been adjudicated delinquent and
23 committed to a juvenile correctional facility by such
24 State or locality” before the period;

1 (2) in subsection (b), by inserting “(including
2 any juvenile alien who has been adjudicated delin-
3 quent and has been committed to a correctional fa-
4 cility)” before “who is in the United States unlaw-
5 fully”; and

6 (3) by adding at the end the following:

7 “(f) JUVENILE ALIEN DEFINED.—In this section,
8 the term ‘juvenile alien’ means an alien (as defined in sec-
9 tion 101(a)(3) of the Immigration and Nationality Act)
10 who has been adjudicated delinquent and committed to a
11 correctional facility by a State or locality as a juvenile of-
12 fender.”.

13 (b) ANNUAL REPORT.—Section 332 of the Illegal Im-
14 migration Reform and Immigrant Responsibility Act of
15 1996 (8 U.S.C. 1366) is amended—

16 (1) by striking “and” at the end of paragraph
17 (3);

18 (2) by striking the period at the end of para-
19 graph (4) and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(5) the number of illegal juvenile aliens that
22 are committed to State or local juvenile correctional
23 facilities, including the type of offense committed by
24 each juvenile.”.

1 (c) TECHNICAL AND CONFORMING AMENDMENT.—

2 Section 241(i)(3)(B) of the Immigration and Nationality
3 Act (8 U.S.C. 1231(i)(3)(B)) is amended—

4 (1) by striking “or” at the end of clause (ii);

5 (2) by striking the period at the end of clause

6 (iii) and inserting “; or”; and

7 (3) by adding at the end the following:

8 “(iv) is a juvenile alien with respect to

9 whom section 501 of the Immigration Re-

10 form and Control Act of 1986 applies.”.

11 **SEC. 4226. SENSE OF CONGRESS.**

12 (a) FINDINGS.—Congress finds that—

13 (1) juveniles between the ages of 10 years and

14 14 years are committing an increasing number of

15 murders and other serious crimes;

16 (2) on March 24, 1998, 11-year-old Andrew

17 Golden and 13-year-old Mitchell Johnson shot and

18 killed 4 fellow students and a teacher and injured 10

19 additional students in Jonesboro, Arkansas;

20 (3) Golden and Mitchell executed an elaborate

21 scheme to carry out their preplanned attack, includ-

22 ing faking illness to miss school, stealing a vehicle

23 from a parent, attempting to use a blowtorch and

24 hammer to break into a locked gun safe, breaking a

25 window to gain access to a grandparent’s house and

1 steal several firearms from the house, and pulling a
2 fire alarm to draw the students and teachers from
3 the school out into the open;

4 (4) under Arkansas State law, neither of the
5 gunmen could be charged as an adult despite the vi-
6 ciousness of the crimes and the clear and well-
7 planned intent demonstrated by the gunmen in car-
8 rying out their scheme;

9 (5) the tragedy in Jonesboro, Arkansas, is, un-
10 fortunately, an all too common occurrence in the
11 United States;

12 (6) few States have laws that allow individuals
13 between the ages of 10 years and 14 years to be
14 tried as adults, even if they commit an offense that,
15 if committed by an adult, would be a felony offense
16 for which the maximum penalty is a sentence of
17 death; and

18 (7) the juvenile and criminal justice systems in
19 the United States are not yet equipped to handle the
20 sad reality that 11- and 13-year-old individuals are
21 committing crimes that shock the Nation's con-
22 science and that would often result in a sentence of
23 death if the offenders were older.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that each State should enact legislation to provide

1 that, on motion of the prosecution and with approval of
 2 a court, an individual who is not less than 10 years of
 3 age and not more than 14 years of age, may be tried as
 4 an adult and, upon conviction, may be subject to any pen-
 5 alty (other than a sentence of death) if the individual is
 6 charged with an offense that, if committed by an adult,
 7 would be a felony offense for which the maximum penalty
 8 is a sentence of death.

9 **CHAPTER 3—ALTERNATIVE EDUCATION**
 10 **AND DELINQUENCY PREVENTION**

11 **SEC. 4231. ALTERNATIVE EDUCATION.**

12 Part D of title I of the Elementary and Secondary
 13 Education Act of 1965 (20 U.S.C. 6421 et seq.) is amend-
 14 ed by adding at the end the following:

15 **“Subpart 4—Alternative Education Demonstration**
 16 **Project Grants**

17 **“SEC. 1441. PROGRAM AUTHORITY.**

18 “(a) GRANTS.—

19 “(1) IN GENERAL.—From amounts appro-
 20 priated under section 1443, the Secretary, in con-
 21 sultation with the Administrator, shall make grants
 22 to State educational agencies or local educational
 23 agencies for not less than 10 demonstration projects
 24 that enable the agencies to develop models for and
 25 carry out alternative education for at-risk youth.

1 “(2) CONSTRUCTION.—Nothing in this subpart
2 shall be construed to affect the requirements of the
3 Individuals with Disabilities Education Act.

4 “(b) DEMONSTRATION PROJECTS.—

5 “(1) PARTNERSHIPS.—Each agency receiving a
6 grant under this subpart may enter into a partner-
7 ship with a private sector entity to provide alter-
8 native educational services to at-risk youth.

9 “(2) REQUIREMENTS.—Each demonstration
10 project assisted under this subpart shall—

11 “(A) accept for alternative education at-
12 risk or delinquent youth who are referred by a
13 local school or by a court with a juvenile delin-
14 quency docket and who—

15 “(i) have demonstrated a pattern of
16 serious and persistent behavior problems in
17 regular schools;

18 “(ii) are at risk of dropping out of
19 school;

20 “(iii) have been convicted of a crimi-
21 nal offense or adjudicated delinquent for
22 an act of juvenile delinquency, and are
23 under a court’s supervision; or

24 “(iv) have demonstrated that contin-
25 ued enrollment in a regular classroom—

1 “(I) poses a physical threat to
2 other students; or

3 “(II) inhibits an atmosphere con-
4 ducive to learning; and

5 “(B) provide for accelerated learning, in a
6 safe, secure, and disciplined environment,
7 including—

8 “(i) basic curriculum focused on mas-
9 tery of essential skills, including targeted
10 instruction in basic skills required for sec-
11 ondary school graduation; and

12 “(ii) emphasis on—

13 “(I) personal, academic, social,
14 and workplace skills; and

15 “(II) behavior modification.

16 “(c) APPLICABILITY.—Except as provided in sub-
17 sections (c) and (e) of section 1442, the provisions of sec-
18 tion 1401(c), 1402, and 1431, and subparts 1 and 2, shall
19 not apply to this subpart.

20 “(d) DEFINITION OF ADMINISTRATOR.—In this sub-
21 part, the term ‘Administrator’ means the Administrator
22 of the Office of Juvenile Crime Control and Prevention
23 of the Department of Justice.

1 **“SEC. 1442. APPLICATIONS; GRANTEE SELECTION.**

2 “(a) APPLICATIONS.—Each State educational agency
3 and local educational agency seeking a grant under this
4 subpart shall submit an application in such form, and con-
5 taining such information, as the Secretary, in consultation
6 with the Administrator, may reasonably require.

7 “(b) SELECTION OF GRANTEES.—

8 “(1) IN GENERAL.—The Secretary shall select
9 State educational agencies and local educational
10 agencies to receive grants under this subpart on an
11 equitable geographic basis, including selecting agen-
12 cies that serve urban, suburban, and rural popu-
13 lations.

14 “(2) MINIMUM.—The Secretary shall award a
15 grant under this subpart to not less than 1 agency
16 serving a population with a significant percentage of
17 Native Americans.

18 “(3) PRIORITY.—In awarding grants under this
19 subpart, the Secretary may give priority to State
20 educational agencies and local educational agencies
21 that demonstrate in the application submitted under
22 subsection (a) that the State has a policy of equi-
23 tably distributing resources among school districts in
24 the State.

1 “(c) QUALIFICATIONS.—To qualify for a grant under
2 this subpart, a State educational agency or local edu-
3 cational agency shall—

4 “(1) in the case of a State educational agency,
5 have submitted a State plan under section 1414(a)
6 that is approved by the Secretary;

7 “(2) in the case of a local educational agency,
8 have submitted an application under section 1423
9 that is approved by the State educational agency;

10 “(3) certify that the agency will comply with
11 the restrictions of section 292 of the Juvenile Jus-
12 tice and Delinquency Prevention Act of 1974;

13 “(4) explain the educational and juvenile justice
14 needs of the community to be addressed by the dem-
15 onstration project;

16 “(5) provide a detailed plan to implement the
17 demonstration project; and

18 “(6) provide assurances and an explanation of
19 the agency’s ability to continue the program funded
20 by the demonstration project after the termination
21 of Federal funding under this subpart.

22 “(d) MATCHING REQUIREMENT.—

23 “(1) IN GENERAL.—Grant funds provided
24 under this subpart shall not constitute more than 35

1 percent of the cost of the demonstration project
2 funded.

3 “(2) SOURCE OF FUNDS.—Matching funds for
4 grants under this subpart may be derived from
5 amounts available under section 205, or part B of
6 title II, of the Juvenile Justice and Delinquency Pre-
7 vention Act of 1974 (42 U.S.C. 5611 et seq.) to the
8 State in which the demonstration project will be car-
9 ried out, except that the total share of funds derived
10 from Federal sources shall not exceed 50 percent of
11 the cost of the demonstration project.

12 “(e) PROGRAM EVALUATION.—

13 “(1) IN GENERAL.—Each State educational
14 agency or local educational agency that receives a
15 grant under this subpart shall evaluate the dem-
16 onstration project assisted under this subpart in the
17 same manner as programs are evaluated under sec-
18 tion 1431. In addition, the evaluation shall include—

19 “(A) an evaluation of the effect of the al-
20 ternative education project on order, discipline,
21 and an effective learning environment in reg-
22 ular classrooms;

23 “(B) an evaluation of the project’s effec-
24 tiveness in improving the skills and abilities of
25 at-risk students assigned to alternative edu-

1 cation, including an analysis of the academic
2 and social progress of such students; and

3 “(C) an evaluation of the project’s effec-
4 tiveness in reducing juvenile crime and delin-
5 quency, including—

6 “(i) reductions in incidents of campus
7 crime in relevant school districts, compared
8 with school districts not included in the
9 project; and

10 “(ii) reductions in recidivism by at-
11 risk students who have juvenile justice sys-
12 tem involvement and are assigned to alter-
13 native education.

14 “(2) EVALUATION BY THE SECRETARY.—The
15 Secretary, in cooperation with the Administrator,
16 shall comparatively evaluate each of the demonstra-
17 tion projects funded under this subpart, including an
18 evaluation of the effectiveness of private sector edu-
19 cational services, and shall report the findings of the
20 evaluation to the Committee on Education and the
21 Workforce of the House of Representatives and the
22 Committees on the Judiciary and Health, Education,
23 Labor and Pensions of the Senate not later than
24 June 30, 2005.

1 **“SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this subpart \$15,000,000 for each of fiscal years 2000,
4 2001, 2002, and 2003.”.

5 **Subtitle C—General Provisions**

6 **SEC. 4301. PROHIBITION ON FIREARMS POSSESSION BY**
7 **VIOLENT JUVENILE OFFENDERS.**

8 (a) DEFINITION.—Section 921(a)(20) of title 18,
9 United States Code, is amended—

10 (1) by inserting “(A)” after “(20)”;

11 (2) by redesignating subparagraphs (A) and
12 (B) as clauses (i) and (ii), respectively;

13 (3) by inserting after subparagraph (A) the fol-
14 lowing:

15 “(B) For purposes of subsections (d) and (g) of sec-
16 tion 922, the term ‘act of violent juvenile delinquency’
17 means an adjudication of delinquency in Federal or State
18 court, based on a finding of the commission of an act by
19 a person prior to his or her eighteenth birthday that, if
20 committed by an adult, would be a serious or violent fel-
21 ony, as defined in section 3559(c)(2)(F)(i) had Federal
22 jurisdiction existed and been exercised (except that section
23 3559(c)(3) shall not apply to this subparagraph).”; and

24 (4) in the undesignated paragraph following
25 subparagraph (B) (as added by paragraph (3) of
26 this subsection), by striking “What constitutes” and

1 all that follows through “this chapter,” and inserting
 2 the following:

3 “(C) What constitutes a conviction of such a crime
 4 or an adjudication of an act of violent juvenile delinquency
 5 shall be determined in accordance with the law of the ju-
 6 risdiction in which the proceedings were held. Any State
 7 conviction or adjudication of an act of violent juvenile de-
 8 linquency that has been expunged or set aside, or for
 9 which a person has been pardoned or has had civil rights
 10 restored, by the jurisdiction in which the conviction or ad-
 11 judication of an act of violent juvenile delinquency oc-
 12 curred shall not be considered to be a conviction or adju-
 13 dication of an act of violent juvenile delinquency for pur-
 14 poses of this chapter.”.

15 (b) PROHIBITION.—Section 922 of title 18, United
 16 States Code, is amended—

17 (1) in subsection (d)—

18 (A) in paragraph (8), by striking “or” at
 19 the end;

20 (B) in paragraph (9), by striking the pe-
 21 riod at the end and inserting “; or”; and

22 (C) by inserting after paragraph (9) the
 23 following:

24 “(10) has committed an act of violent juvenile
 25 delinquency.”; and

1 (2) in subsection (g)—

2 (A) in paragraph (8), by striking “or” at
3 the end;

4 (B) in paragraph (9), by striking the
5 comma at the end and inserting “; or”; and

6 (C) by inserting after paragraph (9) the
7 following:

8 “(10) who has committed an act of violent juve-
9 nile delinquency,”.

10 (c) **EFFECTIVE DATE OF ADJUDICATION PROVI-**
11 **SIONS.**—The amendments made by this section shall only
12 apply to an adjudication of an act of violent juvenile delin-
13 quency that occurs after the date that is 30 days after
14 the date on which the Attorney General certifies to Con-
15 gress and separately notifies Federal firearms licensees,
16 through publication in the Federal Register by the Sec-
17 retary of the Treasury, that the records of such adjudica-
18 tions are routinely available in the national instant crimi-
19 nal background check system established under section
20 103(b) of the Brady Handgun Violence Prevention Act.

21 **SEC. 4302. PROTECTING JUVENILES FROM ALCOHOL**
22 **ABUSE.**

23 The Act entitled “An Act divesting intoxicating liq-
24 uors of their interstate character in certain cases”, ap-
25 proved March 1, 1913 (commonly known as the “Webb-

1 Kenyon Act”) (27 U.S.C. 122) is amended by adding at
 2 the end the following:

3 **“SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT**
 4 **COURT.**

5 “(a) DEFINITIONS.—In this section—

6 “(1) the term ‘attorney general’ means the at-
 7 torney general or other chief law enforcement officer
 8 of a State, or the designee thereof;

9 “(2) the term ‘intoxicating liquor’ means any
 10 spirituous, vinous, malted, fermented, or other in-
 11 toxicating liquor of any kind;

12 “(3) the term ‘person’ means any individual
 13 and any partnership, corporation, company, firm, so-
 14 ciety, association, joint stock company, trust, or
 15 other entity capable of holding a legal or beneficial
 16 interest in property, but does not include a State or
 17 agency thereof; and

18 “(4) the term ‘State’ means any State of the
 19 United States, the District of Columbia, the Com-
 20 monwealth of Puerto Rico, or any territory or pos-
 21 session of the United States.

22 “(b) ACTION BY STATE ATTORNEY GENERAL.—If
 23 the attorney general of a State has reasonable cause to
 24 believe that a person is engaged in, is about to engage
 25 in, or has engaged in, any act that would constitute a vio-

1 lation of a State law regulating the importation or trans-
 2 portation of any intoxicating liquor, the attorney general
 3 may bring a civil action in accordance with this section
 4 for injunctive relief (including a preliminary or permanent
 5 injunction or other order) against the person, as the attor-
 6 ney general determines to be necessary to—

7 “(1) restrain the person from engaging, or con-
 8 tinuing to engage, in the violation; and

9 “(2) enforce compliance with the State law.

10 “(c) FEDERAL JURISDICTION.—

11 “(1) IN GENERAL.—The district courts of the
 12 United States shall have jurisdiction over any action
 13 brought under this section.

14 “(2) VENUE.—An action under this section
 15 may be brought only in accordance with section
 16 1391 of title 28, United States Code.

17 “(d) REQUIREMENTS FOR INJUNCTIONS AND OR-
 18 DERS.—

19 “(1) IN GENERAL.—In any action brought
 20 under this section, upon a proper showing by the at-
 21 torney general of the State, the court shall issue a
 22 preliminary or permanent injunction or other order
 23 without requiring the posting of a bond.

1 “(2) NOTICE.—No preliminary or permanent
2 injunction or other order may be issued under para-
3 graph (1) without notice to the adverse party.

4 “(3) FORM AND SCOPE OF ORDER.—Any pre-
5 liminary or permanent injunction or other order en-
6 tered in an action brought under this section shall—

7 “(A) set forth the reasons for the issuance
8 of the order;

9 “(B) be specific in terms;

10 “(C) describe in reasonable detail, and not
11 by reference to the complaint or other docu-
12 ment, the act or acts to be restrained; and

13 “(D) be binding only upon—

14 “(i) the parties to the action and the
15 officers, agents, employees, and attorneys
16 of those parties; and

17 “(ii) persons in active cooperation or
18 participation with the parties to the action
19 who receive actual notice of the order by
20 personal service or otherwise.

21 “(e) CONSOLIDATION OF HEARING WITH TRIAL ON
22 MERITS.—

23 “(1) IN GENERAL.—Before or after the com-
24 mencement of a hearing on an application for a pre-
25 liminary or permanent injunction or other order

1 under this section, the court may order the trial of
2 the action on the merits to be advanced and consoli-
3 dated with the hearing on the application.

4 “(2) ADMISSIBILITY OF EVIDENCE.—If the
5 court does not order the consolidation of a trial on
6 the merits with a hearing on an application de-
7 scribed in paragraph (1), any evidence received upon
8 an application for a preliminary or permanent in-
9 junction or other order that would be admissible at
10 the trial on the merits shall become part of the
11 record of the trial and shall not be required to be
12 received again at the trial.

13 “(f) NO RIGHT TO TRIAL BY JURY.—An action
14 brought under this section shall be tried before the court.

15 “(g) ADDITIONAL REMEDIES.—

16 “(1) IN GENERAL.—A remedy under this sec-
17 tion is in addition to any other remedies provided by
18 law.

19 “(2) STATE COURT PROCEEDINGS.—Nothing in
20 this section may be construed to prohibit an author-
21 ized State official from proceeding in State court on
22 the basis of an alleged violation of any State law.”.

1 **TITLE V—PROTECTING VICTIMS**
2 **OF CRIME**

3 **Subtitle A—Victims Rights**

4 **SEC. 5001. SHORT TITLE.**

5 This subtitle may be cited as the “Victims Rights Act
6 of 1999”.

7 **CHAPTER 1—GENERAL REFORMS**

8 **SEC. 5101. VICTIM ALLOCUTION IN PRETRIAL DETENTION**
9 **PROCEEDINGS.**

10 (a) **PENDING TRIAL.**—Section 3141(a) of title 18,
11 United States Code, is amended by striking “A judicial”
12 and inserting “After considering all relevant information,
13 including the views of the victims, a judicial”.

14 (b) **DETENTION HEARING.**—Section 3142(f) of title
15 18, United States Code, is amended by inserting before
16 “The facts the judicial officer uses” the following: “Each
17 victim of the offense, if present in person or through coun-
18 sel, shall be afforded an opportunity to address the court
19 on the issue of detention, either in person or through coun-
20 sel. A victim who, at the time of the hearing under this
21 subsection, is incarcerated in any Federal, State, or local
22 correctional or detention facility, shall not have the right
23 to appear in person, but shall be afforded a reasonable
24 opportunity to present views by alternate means.”.

1 (c) FACTORS TO BE CONSIDERED.—Section 3142(g)
 2 of title 18, United States Code, is amended—

3 (1) in paragraph (3), by striking “and” at the
 4 end;

5 (2) by redesignating paragraph (4) as para-
 6 graph (5); and

7 (3) by inserting after paragraph (3) the fol-
 8 lowing:

9 “(4) the views of the victim; and”.

10 (d) RIGHT TO BE NOTIFIED OF DETENTION HEAR-
 11 ING AND RIGHT TO BE HEARD ON THE ISSUE OF DETEN-
 12 TION.—Section 3142 of title 18, United States Code, is
 13 amended by adding at the end the following:

14 “(k) NOTIFICATION OF RIGHT TO BE HEARD.—

15 “(1) IN GENERAL.—Prior to any detention
 16 hearing scheduled pursuant to subsection (f)—

17 “(A) the Government shall make a reason-
 18 able effort to notify the victim of the hearing,
 19 and of the right of the victim to be heard on
 20 the issue of detention; and

21 “(B) at the hearing under subsection (f),
 22 the court shall inquire of the Government as to
 23 whether the efforts at notification of the victim
 24 under subparagraph (A) were successful and, if
 25 so, whether the victim wishes to be heard on

1 the issue of detention and, if so, shall afford the
2 victim such an opportunity.

3 “(2) LIMITATION.—Upon motion of either
4 party that identification of the defendant by the vic-
5 tim is a fact in dispute, and that no means of
6 verification has been attempted, the Court shall use
7 appropriate measures to protect the integrity of the
8 identification process.

9 “(3) VICTIM CONTACT INFORMATION.—With re-
10 spect to any case described in paragraph (1), the
11 victim shall notify the appropriate authority of an
12 address or other means of contact by which notifica-
13 tion under this subsection may be made. The con-
14 fidentiality of any information relating to a victim
15 shall be maintained.”.

16 **SEC. 5102. VICTIM DEFINED.**

17 Section 3156(a) of title 18, United States Code, is
18 amended—

19 (1) in paragraph (4), by striking “and” at the
20 end;

21 (2) in paragraph (5), by striking the period at
22 the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(6) the term ‘victim’—

25 “(A) means an individual harmed—

1 “(i) as a result of a commission of an
2 offense involving death or bodily injury to
3 any person, a sexual assault, or an at-
4 tempted sexual assault; or

5 “(ii) by any fraud or misrepresenta-
6 tion relating to a sale or other tract for
7 any item, benefit, product, or service; and
8 “(B) includes—

9 “(i) in the case of a victim who is less
10 than 18 years of age or incompetent, the
11 parent or legal guardian of the victim;

12 “(ii) in the case of a victim who is de-
13 ceased or incapacitated, 1 or more family
14 members designated by the court; and

15 “(iii) any other person appointed by
16 the court to represent the victim, except
17 that in no event shall a defendant be ap-
18 pointed as the representative or guardian
19 of the victim.”.

20 **SEC. 5103. RIGHT OF VICTIM TO SPEEDY TRIAL.**

21 Section 3161(h)(8)(B) of title 18, United States
22 Code, is amended by adding at the end the following:

23 “(v) The interests of the victim (or the
24 family of a victim who is deceased or incapaci-

1 tated) in the prompt and appropriate disposi-
2 tion of the case, free from unreasonable delay.”.

3 **SEC. 5104. RIGHT OF VICTIM TO JUST SENTENCE.**

4 (a) IN GENERAL.—Section 3553 of title 18, United
5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) by redesignating paragraphs (6) and
8 (7) as paragraphs (7) and (8), respectively; and

9 (B) by inserting after paragraph (5) the
10 following:

11 “(6) the views of the victim if such views are
12 presented to the court;”;

13 (2) by redesignating subsections (b) through (f)
14 as subsections (c) through (g), respectively; and

15 (3) by inserting after subsection (a) the fol-
16 lowing:

17 “(b) VICTIM’S RIGHT TO ATTENDANCE AND ALLOCU-
18 TION AT SENTENCING.—

19 “(1) VICTIM DEFINED.—In this subsection, the
20 term ‘victim’ has the meaning given the term in sec-
21 tion 3156.

22 “(2) RIGHT TO ATTENDANCE.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), each victim of an offense shall have
25 the right to be present at the sentencing pro-

ceedings of a defendant convicted of the offense conducted pursuant to this chapter or chapter 228.

“(B) INCARCERATED VICTIMS.—A victim who, at the time that the sentencing proceedings of a defendant are conducted, is incarcerated in any Federal, State, or local correctional or detention facility, shall not have the right to appear in person at sentencing proceedings of a defendant, but shall be afforded a reasonable opportunity to present views by alternate means.

“(3) RIGHT TO ADDRESS COURT.—

“(A) IN GENERAL.—Subject to subparagraph (B), before the imposition of sentence under this chapter, each victim of the offense, if present in person or through counsel, shall be afforded an opportunity to address the court on the issue of sentencing, including the presentation of—

“(i) information relating to the extent and scope of the injury or loss suffered by the victim or the family of the victim as a result of the offense;

1 “(ii) information relating to the im-
2 pact of the offense on the victim or the
3 family of the victim; and

4 “(iii) recommendations regarding an
5 appropriate sentence for the defendant, ex-
6 cept that nothing in this clause may be
7 construed to authorize the imposition of a
8 sentence not otherwise authorized by law.

9 “(B) LIMITATIONS.—The court may rea-
10 sonably limit the number of victims permitted
11 to address the court personally or through
12 counsel under this paragraph, if the court finds,
13 from facts on the record, that the number of
14 victims is so large that affording each victim an
15 opportunity to address the court would—

16 “(i) amount to cumulative victim im-
17 pact information; and

18 “(ii) prolong the sentencing process to
19 the degree that the need to permit each
20 victim an opportunity to address the court
21 is substantially outweighed by the burden
22 on the sentencing process.

23 “(4) SUBMISSION OF WRITTEN STATEMENT.—A
24 victim, whether or not present in person or through
25 counsel at a sentencing proceeding, may provide the

1 court a written statement, which may include any in-
2 formation or recommendations described in para-
3 graph (2)(A), in addition to or in lieu of addressing
4 the court under that paragraph. A victim not per-
5 mitted to address the court under paragraph (2)(B)
6 shall have the right to provide a written statement
7 under this paragraph.

8 “(5) FAILURE TO ATTEND TRIAL.—The attend-
9 ance of the victim at all or part of, or testimony dur-
10 ing, the trial of the defendant shall not be construed
11 to prevent a victim from exercising the right to at-
12 tend sentencing or address the court or to otherwise
13 present to the court information pursuant to this
14 subsection.

15 “(6) TESTIMONY.—No oral statement made or
16 written statement submitted under this subsection
17 shall be considered to be testimony under any other
18 provision of law.

19 “(7) NOTICE.—The court shall provide reason-
20 able notice to each victim of the right to attend and
21 address the court or otherwise present to the court
22 information pursuant to this subsection, including
23 notice of the scheduled date, time, and place of the
24 sentencing hearing. Notice under this paragraph

1 may be consolidated with the notice under section
2 3664(d)(2).

3 (b) HEARING BEFORE A COURT OR JURY.—Section
4 3593(b) of title 18, United States Code, is amended by
5 adding at the end the following: “The provisions of section
6 3553(b), relating to attendance and allocation by victims,
7 shall apply to hearings under this subsection.”.

8 (c) RULES OF CRIMINAL PROCEDURE.—Pursuant to
9 chapter 131 title 28, United States Code, the Supreme
10 Court may prescribe amendments to rules of criminal pro-
11 cedure, consistent with this section and the amendments
12 made by this section.

13 **SEC. 5105. RIGHT OF VICTIM TO NOTICE OF RELEASE OR**
14 **ESCAPE.**

15 (a) IN GENERAL.—Section 3621(a) of title 18,
16 United States Code, is amended by adding at the end the
17 following: “Notice of commitment shall be provided to
18 each victim of the offense for which the person is com-
19 mitted under this subsection.”.

20 (b) NOTICE OF INCARCERATION OR RELEASE.—

21 (1) IN GENERAL.—Chapter 229 of title 18,
22 United States Code, is amended by adding at the
23 end the following:

1 **“§ 3627. Notice to victims of incarceration or release**
2 **of defendants**

3 “(a) IN GENERAL.—The Bureau of Prisons shall en-
4 sure that reasonable notice is provided to each victim of
5 an offense for which a person is imprisoned pursuant to
6 this subchapter—

7 “(1) not less than 30 days before such the re-
8 lease of that person under section 3624, assignment
9 of that person to pre-release custody section
10 3624(c), or transfer of that person under section
11 3623;

12 “(2) not less than 10 days before the temporary
13 release of that person under section 3622;

14 “(3) not less than 12 hours after discovery that
15 such person has escaped;

16 “(4) not less than 12 hours after the return to
17 custody of such person after an escape; and

18 “(5) at such other times as is reasonable before
19 any other form of release of that person as may
20 occur.

21 “(b) APPLICABILITY.—This section applies to any es-
22 cape, work release, furlough, or any other form of release
23 from a psychiatric institution or other facility that pro-
24 vides mental or other health services to persons in the cus-
25 tody of the Bureau of Prisons.

1 “(c) VICTIM CONTACT INFORMATION.—It shall be
 2 the responsibility of a victim to notify the Bureau of Pris-
 3 ons, by means of a form to be provided by the Attorney
 4 General, of any change in the mailing address of the vic-
 5 tim, or other means of contacting the victim, while the
 6 defendant is subject to imprisonment. The Bureau of Pris-
 7 ons shall ensure the confidentiality of any information re-
 8 lating to a victim.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
 10 MENT.—The analysis for chapter 229 of title 18,
 11 United States Code, is amended by adding at the
 12 end the following:

“3627. Notice to victims of incarceration or release of defendants.”.

13 **SEC. 5106. RIGHTS OF VICTIMS IN PLEA AGREEMENTS.**

14 (a) IN GENERAL.—Rule 11 of the Federal Rules of
 15 Criminal Procedure is amended—

16 (1) in subdivision (e)—

17 (A) in paragraph (1), by striking the last
 18 sentence and inserting the following: “To the
 19 extent practicable, and subject to the provisions
 20 of subdivision (i)(3), the attorney for the gov-
 21 ernment shall consult with the victims of all of-
 22 fenses chargeable to the defendant regarding
 23 any agreement with the defendant. The attor-
 24 ney for the government may impose, and re-
 25 quest the court to enforce, such confidentiality

1 requirements on the victim relating to discus-
2 sions under this paragraph as the attorney for
3 the government deems appropriate. Except as
4 provided by subdivision (i)(4), the court shall
5 not participate in any discussions under this
6 paragraph.”; and

7 (B) in paragraph (2), by adding at the end
8 the following: “In determining whether to ac-
9 cept or reject the agreement, the court shall
10 consider the views of the victim provided pursu-
11 ant to subdivision (i), giving to such views
12 weight as the court determines to be appro-
13 priate.”; and

14 (2) by adding at the end the following:

15 “(i) RIGHTS OF VICTIMS.—

16 “(1) VICTIM DEFINED.—In this rule, the term
17 ‘victim’ has the meaning given the term in section
18 3156 of title 18, United States Code.

19 “(2) NOTIFICATION OF PLEA AGREEMENT
20 HEARINGS.—The Government, before a hearing at
21 which a plea of guilty or nolo contendere is entered,
22 shall, except as provided in paragraph (4), make
23 reasonable efforts to notify the victim of—

24 “(A) the date and time of the hearing;

1 “(B) the elements of the proposed plea or
2 plea agreement; and

3 “(C) the right of the victim to attend the
4 hearing, and, if present, to address the court
5 personally or through counsel on the views of
6 the victim on the proposed plea or plea agree-
7 ment.

8 “(3) OPPORTUNITY TO BE HEARD ON PLEA
9 AGREEMENT.—If the victim attends a hearing de-
10 scribed in paragraph (2), the court, before accepting
11 a plea of guilty or nolo contendere, shall afford the
12 victim, either personally or through counsel, an op-
13 portunity to be heard on the proposed plea or plea
14 agreement.

15 “(4) WRITTEN STATEMENT.—A victim, whether
16 or not present in person or through counsel, may
17 provide the court a written statement of the views
18 of the victims regarding a proposed plea or plea
19 agreement in addition to or in lieu of addressing the
20 court.

21 “(5) EXCEPTIONS.—Notwithstanding any other
22 provision of this subdivision—

23 “(A) in any case in which a victim is a de-
24 fendant in the same or related case, or in which
25 the Government certifies to the court under seal

1 that affording such victim any right provided
2 under this rule will jeopardize an ongoing inves-
3 tigation, the victim shall not have such right;

4 “(B) a victim who, at the time of discus-
5 sions under subdivision (e) or a hearing under
6 this subdivision, is incarcerated in any Federal,
7 State, or local correctional or detention facility,
8 shall not have the right to appear in person,
9 but, subject to subparagraph (A), shall be af-
10 forded a reasonable opportunity to present
11 views or participate by alternative means; and

12 “(C) in any case involving more than 15
13 victims, the court, after consultation with the
14 Government and the victims, may appoint a
15 number of victims to represent the interests of
16 the victims, except that all victims shall retain
17 the right to submit a written statement under
18 paragraph (4).

19 “(6) VICTIM CONTACT INFORMATION.—It shall
20 be the responsibility of a victim to notify the attor-
21 ney for the government of an address or other suffi-
22 cient means by which a notification required by this
23 subsection may be made. The attorney for the gov-
24 ernment shall ensure the confidentiality of any infor-
25 mation relating to a victim.”.

1 (b) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendment made by
3 subsection (a) shall become effective as provided in
4 paragraph (3).

5 (2) ACTION BY JUDICIAL CONFERENCE.—

6 (A) RECOMMENDATIONS.—Not later than
7 180 days after the date of enactment of this
8 Act, the Judicial Conference of the United
9 States shall submit to Congress a report con-
10 taining recommendations for amending the
11 Federal Rules of Criminal Procedure to provide
12 enhanced opportunities for victims—

13 (i) to be consulted by the attorney for
14 the government during plea negotiations;

15 (ii) to provide to the court views on
16 the issue of whether or not the court
17 should accept a plea of guilty or nolo
18 contendere; and

19 (iii) to have such views considered by
20 the court.

21 (B) INAPPLICABILITY OF OTHER LAW.—

22 Chapter 131 of title 28, United States Code,
23 does not apply to any recommendation made by
24 the Judicial Conference of the United States
25 under this paragraph.

1 (3) CONGRESSIONAL ACTION.—Except as other-
2 wise provided by law, if the Judicial Conference of
3 the United States—

4 (A) submits a report in accordance with
5 paragraph (2) containing recommendations de-
6 scribed in that paragraph, and those rec-
7 ommendations are the same as the amendment
8 made by subsection (a), then the amendment
9 made by subsection (a) shall become effective
10 30 days after the date on which the rec-
11 ommendations are submitted to Congress under
12 paragraph (2);

13 (B) submits a report in accordance with
14 paragraph (2) containing recommendations de-
15 scribed in that paragraph, and those rec-
16 ommendations are different in any respect from
17 the amendment made by subsection (a), the rec-
18 ommendations made pursuant to paragraph (2)
19 shall become effective 180 days after the date
20 on which the recommendations are submitted to
21 Congress under paragraph (2), unless an Act of
22 Congress is passed overturning the rec-
23 ommendations; and

24 (C) fails to comply with paragraph (2), the
25 amendment made by subsection (a) shall be-

1 come effective 360 days after the date of enact-
2 ment of this Act.

3 (4) APPLICATION.—Any amendment made pur-
4 suant to this section (including any amendment
5 made pursuant to the recommendations of the Judi-
6 cial Conference of the United States under para-
7 graph (2)) shall apply in any proceeding commenced
8 on or after the effective date of the amendment.

9 **SEC. 5107. RIGHT OF VICTIM TO PARTICIPATE IN SEN-**
10 **TENCE ADJUSTMENT HEARINGS.**

11 (a) REVOCATION OF PROBATION.—Section 3564 of
12 title 18, United States Code, is amended by adding at the
13 end the following:

14 “(f) APPLICABILITY OF VICTIMS RIGHTS.—The pro-
15 visions of section 3553(b) shall apply to proceedings under
16 this section.”.

17 (b) SUPERVISED RELEASE.—Section 3583 of title
18 18, United States Code, is amended—

19 (1) in subsection (c), by striking “and (a)(6)”
20 and inserting “(a)(6), and (a)(7)”; and

21 (2) by adding at the end the following:

22 “(j) APPLICABILITY OF VICTIMS RIGHTS.—The pro-
23 visions of section 3553(b) shall apply to proceedings under
24 this section.”.

1 (c) EFFECT OF DEFAULT.—Section 3613A(b)(1) of
 2 title 18, United States Code, is amended by adding at the
 3 end the following: “The provisions of section 3553(b) shall
 4 apply to any such hearing.”.

5 (d) RESENTENCING UPON FAILURE TO PAY A FINE
 6 OR RESTITUTION.—Section 3614 of title 18, United
 7 States Code, is amended—

8 (1) by redesignating subsection (c) as sub-
 9 section (d); and

10 (2) by inserting after subsection (b) the fol-
 11 lowing:

12 “(c) APPLICABILITY OF VICTIMS RIGHTS.—The pro-
 13 visions of section 3553(b) shall apply to any proceeding
 14 under this section.”.

15 **SEC. 5108. ENHANCED RIGHT TO BE PRESENT AT TRIAL.**

16 Section 3510 of title 18, United States Code, is
 17 amended—

18 (1) in subsection (a), by striking “make a state-
 19 ment” and all that follows before the period at the
 20 end and inserting “present information or otherwise
 21 participate in accordance with section 3553(b)”;

22 (2) in subsection (b), by inserting before the pe-
 23 riod at the end following: “, or present information
 24 or otherwise participate in accordance with section
 25 3553(b)”;

1 (3) in subsection (c), by striking “includes” and
 2 all that follows before the period at the end and in-
 3 serting “has the meaning given the term in section
 4 3156”; and

5 (4) by adding at the end the following:

6 “(d) APPLICATION TO TELEVISED PROCEEDINGS.—

7 This section applies to victims viewing proceedings pursu-
 8 ant to—

9 “(1) section 235 of the Antiterrorism and Ef-
 10 fective Death Penalty Act of 1996; or

11 “(2) any rule issued pursuant to section 235(g)
 12 of the Antiterrorism and Effective Death Penalty
 13 Act of 1996.”.

14 (b) PROHIBITION ON EXCLUSION.—Section 235 of
 15 the Antiterrorism and Effective Death Penalty Act of
 16 1996 (42 U.S.C. 10608) is amended—

17 (1) in subsection (b)(2), by adding at the end
 18 the following: “The intention of a victim to present
 19 information or otherwise participate in a sentencing
 20 proceeding in accordance with sections 3553(b) or
 21 3593 shall not be grounds to exclude a victim under
 22 this paragraph.”; and

23 (2) in subsection (f)—

24 (A) by striking “As used in” and inserting

25 “(1) STATE.—In”; and

1 (B) by adding at the end the following:

2 “(2) VICTIM.—In this section, the term ‘victim’
3 has the meaning given the term in section 3156 of
4 title 18, United States Code.”.

5 (c) Pursuant to chapter 131 of title 28, United States
6 Code, the Supreme Court may issue rules, or amend exist-
7 ing rules, to conform to the requirements of this section.

8 (d) VICTIM AND WITNESS PROTECTION ACT.—Sec-
9 tion 502 of the Victim and Witness Protection Act (42
10 U.S.C. 10606) is amended—

11 (1) in paragraph (4), by adding at the end the
12 following: “For purposes of this paragraph, victim
13 statements at sentencing, other information pre-
14 sented by or on behalf of a victim at sentencing, and
15 other victim participation in accordance with section
16 3553(b) of title 18, United States Code, shall not be
17 considered to be testimony.”; and

18 (2) in paragraph (5), by striking “attorney”
19 and inserting “the attorney”.

20 **SEC. 5109. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN**
21 **PROGRAMS FOR CRIME VICTIMS.**

22 (a) DEFINITIONS.—In this section:

23 (1) DIRECTOR.—The term “Director” means
24 the Director of the Office of Victims of Crime.

1 (2) OFFICE.—The term “Office” means the Of-
2 fice of Victims of Crime.

3 (3) QUALIFIED PRIVATE ENTITY.—The term
4 “qualified private entity” means a private entity
5 that meets such requirements as the Attorney Gen-
6 eral, acting through the Director, may establish.

7 (4) QUALIFIED UNIT OF STATE OR LOCAL GOV-
8 ERNMENT.—The term “qualified unit of State or
9 local government” means a unit of a State or local
10 government that meets such requirements as the At-
11 torney General, acting through the Director, may es-
12 tablish.

13 (5) VOICE CENTERS.—The term “VOICE Cen-
14 ters” means the Victim Ombudsman Information
15 Centers established under the program under sub-
16 section (b).

17 (b) PILOT PROGRAMS.—

18 (1) IN GENERAL.—Not later than 12 months
19 after the date of enactment of this Act, the Attorney
20 General, acting through the Director, shall establish
21 and carry out a program to provide for pilot pro-
22 grams to establish and operate Victim Ombudsman
23 Information Centers in each of the following States:

24 (A) Ohio.

25 (B) South Carolina.

1 (C) Minnesota.

2 (D) Michigan.

3 (E) Utah.

4 (F) Arizona.

5 (G) Oklahoma.

6 (H) Mississippi.

7 (2) AGREEMENTS.—

8 (A) IN GENERAL.—The Attorney General,
9 acting through the Director, shall enter into an
10 agreement with a qualified private entity or
11 unit of State or local government to conduct a
12 pilot program referred to in paragraph (1).
13 Under the agreement, the Attorney General,
14 acting through the Director, shall provide for a
15 grant to assist the qualified private entity or
16 unit of State or local government in carrying
17 out the pilot program.

18 (B) CONTENTS OF AGREEMENT.—The
19 agreement referred to in subparagraph (A)
20 shall specify that—

21 (i) the VOICE Center shall be estab-
22 lished in accordance with this section; and

23 (ii) except with respect to meeting ap-
24 plicable requirements of this section con-
25 cerning carrying out the duties of a

1 VOICE Center under this section (includ-
2 ing the applicable reporting duties under
3 subsection (c) and the terms of the agree-
4 ment) each VOICE Center shall operate
5 independently of the Office.

6 (C) NO AUTHORITY OVER DAILY OPER-
7 ATIONS.—The Office shall have no supervisory
8 or decisionmaking authority over the day-to-day
9 operations of a VOICE Center.

10 (c) OBJECTIVES.—

11 (1) MISSION.—The mission of each VOICE
12 Center established under a pilot program under this
13 section shall be to assist a victim of a Federal or
14 State crime to ensure that the victim—

15 (A) is fully apprised of the rights of that
16 victim under applicable Federal or State law;
17 and

18 (B) is provided the opportunity to partici-
19 pate in the criminal justice process to the full-
20 est extent of the law.

21 (2) DUTIES.—The duties of a VOICE Center
22 shall include—

23 (A) providing information to victims of
24 Federal or State crime regarding the right of
25 those victims to participate in the criminal jus-

1 tice process (including information concerning
2 any right that exists under applicable Federal
3 or State law);

4 (B) identifying and responding to situa-
5 tions in which the rights of victims of crime
6 under applicable Federal or State law may have
7 been violated;

8 (C) attempting to facilitate compliance
9 with Federal or State law referred to in sub-
10 paragraph (B);

11 (D) educating police, prosecutors, Federal
12 and State judges, officers of the court, and em-
13 ployees of jails and prisons concerning the
14 rights of victims under applicable Federal or
15 State law; and

16 (E) taking measures that are necessary to
17 ensure that victims of crime are treated with
18 fairness, dignity, and compassion throughout
19 the criminal justice process.

20 (d) OVERSIGHT.—

21 (1) TECHNICAL ASSISTANCE.—The Office may
22 provide technical assistance to each VOICE Center.

23 (2) ANNUAL REPORT.—Each qualified private
24 entity or qualified unit of State or local government
25 that carries out a pilot program to establish and op-

1 erate a VOICE Center under this section shall pre-
2 pare and submit to the Director, not later than 1
3 year after the VOICE Center is established, and an-
4 nually thereafter, a report that—

5 (A) describes in detail the activities of the
6 VOICE Center during the preceding year; and

7 (B) outlines a strategic plan for the year
8 following the year covered under subparagraph
9 (A).

10 (e) REVIEW OF PROGRAM EFFECTIVENESS.—

11 (1) GAO STUDY.—Not later than 2 years after
12 the date on which each VOICE Center established
13 under a pilot program under this section is fully
14 operational, the Comptroller General of the United
15 States shall conduct a review of each pilot program
16 carried out under this section to determine the effec-
17 tiveness of the VOICE Center that is the subject of
18 the pilot program in carrying out the mission and
19 duties described in subsection (c).

20 (2) OTHER STUDIES.—Not later than 2 years
21 after the date on which each VOICE Center estab-
22 lished under a pilot program under this section is
23 fully operational, the Attorney General, acting
24 through the Director, shall enter into an agreement
25 with 1 or more private entities that meet such re-

1 quirements that the Attorney General, acting
2 through the Director, may establish, to study the ef-
3 fectiveness of each VOICE Center established by a
4 pilot program under this section in carrying out the
5 mission and duties described in subsection (c).

6 (f) TERMINATION DATE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), a pilot program established under this
9 section shall terminate on the date that is 4 years
10 after the date of enactment of this Act.

11 (2) RENEWAL.—If the Attorney General deter-
12 mines that any of the pilot programs established
13 under this section should be renewed for an addi-
14 tional period, the Attorney General may renew that
15 pilot program for a period not to exceed 2 years.

16 (g) FUNDING.—Notwithstanding any other provision
17 of law, an aggregate amount not to exceed \$5,000,000 of
18 the amounts collected pursuant to sections 3729 through
19 3731 of title 31, United States Code (commonly known
20 as the “False Claims Act”), may be used by the Director
21 to make grants under subsection (b).

1 **SEC. 5110. AMENDMENTS TO VICTIMS OF CRIME ACT OF**
2 **1984.**

3 (a) CRIME VICTIMS FUND.—Section 1402 of the Vic-
4 tims of Crime Act of 1984 (42 U.S.C. 10601) is
5 amended—

6 (1) in subsection (b)—

7 (A) in paragraph (3), by striking “and” at
8 the end;

9 (B) in paragraph (4), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(5) any gifts, bequests, or donations from pri-
13 vate entities or individuals.”; and

14 (2) in subsection (d)—

15 (A) by striking paragraph (1) and insert-
16 ing the following:

17 “(1) All unobligated balances transferred to the
18 judicial branch for administrative costs to carry out
19 functions under sections 3611 and 3612 of title 18,
20 United States Code, shall be returned to the Crime
21 Victims Fund and may be used by the Director to
22 improve services for crime victims in the Federal
23 criminal justice system.”; and

24 (B) in paragraph (4), by adding at the end
25 the following:

1 “(C) States that receive supplemental funding
2 to respond to incidents or terrorism or mass violence
3 under this section shall be required to return to the
4 Crime Victims Fund for deposit in the reserve fund,
5 amounts subrogated to the State as a result of
6 third-party payments to victims.”.

7 (b) CRIME VICTIM COMPENSATION.—Section 1403 of
8 the Victims of Crime Act of 1984 (42 U.S.C. 10602) is
9 amended—

10 (1) in subsection (a)—

11 (A) in each of paragraphs (1) and (2), by
12 striking “40” and inserting “60”; and

13 (B) in paragraph (3), by inserting “and
14 evaluation” after “administration”; and

15 (2) in subsection (b)(7), by inserting “because
16 the identity of the offender was not determined be-
17 yond a reasonable doubt in a criminal trial, because
18 criminal charges were not brought against the of-
19 fender, or” after “deny compensation to any victim”.

20 (c) CRIME VICTIM ASSISTANCE.—Section 1404 of the
21 Victims of Crime Act of 1984 (42 U.S.C. 10603) is
22 amended—

23 (1) in subsection (c)—

24 (A) in paragraph (1)—

1 (i) by inserting “or enter into cooper-
2 ative agreements” after “make grants”;

3 (ii) by striking subparagraph (A) and
4 inserting the following:

5 “(A) for demonstration projects, evalua-
6 tion, training, and technical assistance services
7 to eligible organizations;”;

8 (iii) in subparagraph (B), by striking
9 the period at the end and inserting “;
10 and”; and

11 (iv) by adding at the end the fol-
12 lowing:

13 “(C) training and technical assistance that
14 address the significance of and effective delivery
15 strategies for providing long-term psychological
16 care.”; and

17 (B) in paragraph (3)—

18 (i) in subparagraph (C), by striking
19 “and” at the end;

20 (ii) in subparagraph (D), by striking
21 the period at the end and inserting “;
22 and”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(E) use funds made available to the Di-
2 rector under this subsection—

3 “(i) for fellowships and clinical intern-
4 ships; and

5 “(ii) to carry out programs of training
6 and special workshops for the presentation
7 and dissemination of information resulting
8 from demonstrations, surveys, and special
9 projects.”; and

10 (2) in subsection (d)—

11 (A) by striking paragraph (1) and insert-
12 ing the following:

13 “(1) the term ‘State’ includes—

14 “(A) the District of Columbia, the Com-
15 monwealth of Puerto Rico, the United States
16 Virgin Islands, and any other territory or pos-
17 session of the United States; and

18 “(B) for purposes of a subgrant under
19 subsection (a)(1) or a grant or cooperative
20 agreement under subsection (c)(1), the United
21 States Virgin Islands and any agency of the
22 Government of the District of Columbia or the
23 Federal Government performing law enforce-
24 ment functions in and on behalf of the District
25 of Columbia.”;

1 (B) in paragraph (2)—

2 (i) in subparagraph (C), by striking
3 “and” at the end;

4 (ii) in subparagraph (B), by striking
5 the semicolon and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(E) public awareness and education and
9 crime prevention activities that promote, and
10 are conducted in conjunction with, the provision
11 of victim assistance; and

12 “(F) for purposes of an award under sub-
13 section (c)(1)(A), preparation, publication, and
14 distribution of informational materials and re-
15 sources for victims of crime and crime victims
16 organizations.”;

17 (C) by striking paragraph (4) and insert-
18 ing the following:

19 “(4) the term ‘crisis intervention services’
20 means counseling and emotional support including
21 mental health counseling, provided as a result of cri-
22 sis situations for individuals, couples, or family
23 members following and related to the occurrence of
24 crime;”;

1 (D) in paragraph (5), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (E) by adding at the end the following:

4 “(6) for purposes of an award under subsection
5 (c)(1), the term ‘eligible organization’ includes
6 any—

7 “(A) national or State organization with a
8 commitment to developing, implementing, evalu-
9 ating, or enforcing victims’ rights and the deliv-
10 ery of services;

11 “(B) State agency or unit of local govern-
12 ment;

13 “(C) tribal organization;

14 “(D) organization—

15 “(i) described in section 501(c) of the
16 Internal Revenue Code of 1986; and

17 “(ii) exempt from taxation under sec-
18 tion 501(a) of such Code; or

19 “(E) other entity that the Director deter-
20 mines to be appropriate.”.

21 (d) COMPENSATION AND ASSISTANCE TO VICTIMS OF
22 TERRORISM OF MASS VIOLENCE.—Section 1404B of the
23 Victims of Crime Act of 1984 (42 U.S.C. 10603b) is
24 amended—

1 (1) in subsection (a), by striking “1404(a)” and
2 inserting “1402(d)(4)(B)”;

3 (2) in subsection (b), by striking
4 “1404(d)(4)(B)” and inserting “1402(d)(4)(B)”.

5 **CHAPTER 2—VICTIM RESTITUTION**
6 **ENFORCEMENT**

7 **SEC. 5121. SHORT TITLE.**

8 This chapter may be cited as the “Victim Restitution
9 Enforcement Act of 1999”.

10 **SEC. 5122. PROCEDURE FOR ISSUANCE AND ENFORCEMENT**
11 **OF RESTITUTION ORDER.**

12 Section 3664 of title 18, United States Code, is
13 amended to read as follows:

14 **“§ 3664. Procedure for issuance and enforcement of**
15 **order of restitution**

16 **“(a) IN GENERAL.—**

17 **“(1) RELIANCE ON INFORMATION IN**
18 **PRESENTENCE REPORT.—**With respect to each order
19 of restitution under this title, the court shall order
20 the probation service of the court to obtain and in-
21 clude in its presentence report, or in a separate re-
22 port, as the court directs, information sufficient for
23 the court to exercise its discretion in fashioning a
24 restitution order.

1 “(2) CONTENTS OF REPORT.—Each report de-
2 scribed in paragraph (1) shall include, to the extent
3 practicable, a complete accounting of the losses to
4 each victim, any restitution owed pursuant to a plea
5 agreement, and information relating to the economic
6 circumstances of each defendant. If the number or
7 identity of victims cannot be reasonably ascertained,
8 or other circumstances exist that make this require-
9 ment clearly impracticable, the probation service
10 shall so inform the court.

11 “(b) DISCLOSURES.—The court shall disclose to both
12 the defendant and the attorney for the Government all
13 portions of the presentence or other report pertaining to
14 the matters described in subsection (a).

15 “(c) APPLICABILITY OF OTHER LAW.—This chapter,
16 chapter 227, and Rule 32(c) of the Federal Rules of
17 Criminal Procedure are the only laws and rules applicable
18 to proceedings under this section.

19 “(d) ENSURING AVAILABILITY OF PROPERTY OR AS-
20 SETS.—

21 “(1) IN GENERAL.—

22 “(A) RESTRAINING ORDER, INJUNCTION,
23 EXECUTION OF PERFORMANCE BOND.—Upon
24 application of the United States, the court may
25 enter a restraining order or injunction, require

1 the execution of a satisfactory performance
2 bond, or take any other action to preserve the
3 availability of property or assets necessary to
4 satisfy a criminal restitution order under this
5 subchapter. An order under this subparagraph
6 may be entered in the following circumstances:

7 “(i) Prior to the filing of an indict-
8 ment or information charging an offense
9 that may result in a criminal restitution
10 order, and upon the United States showing
11 that—

12 “(I) there is a substantial prob-
13 ability that the United States will ob-
14 tain a criminal restitution order;

15 “(II) the defendant has or is like-
16 ly to take action to dissipate or hide
17 the property or assets of the defend-
18 ant; and

19 “(III) the need to preserve the
20 availability of the property or assets
21 through the requested order outweighs
22 the hardship of any party against
23 whom the order is entered.

24 “(ii) Upon the filing of an indictment
25 or information charging an offense that

1 may result in a criminal restitution order,
2 and upon the United States showing that
3 the defendant has or is likely to take ac-
4 tion to dissipate or hide the property or as-
5 sets of the defendant.

6 “(iii) Upon the conviction, or entry of
7 a guilty plea, to an indictment or informa-
8 tion charging an offense that may result in
9 a criminal restitution order, and upon the
10 United States showing that the defendant
11 may take action to dissipate or hide the
12 property or assets of the defendant or that
13 an order is necessary to marshal and de-
14 termine the property or assets of the de-
15 fendant.

16 “(B) PERIOD OF EFFECTIVENESS.—An
17 order entered under subparagraph (A) shall be
18 effective for not more than 90 days, unless ex-
19 tended by the court for good cause shown or
20 unless an indictment or information described
21 in subparagraph (A)(ii) has been filed.

22 “(2) NOTICE OF ORDER.—

23 “(A) IN GENERAL.—Except as provided in
24 paragraph (3), an order entered under this sub-
25 section shall be after notice to persons appear-

ing to have an interest in the property and opportunity for a hearing, and upon the United States carrying the burden of proof by a preponderance of the evidence.

“(B) ADMISSIBLE EVIDENCE.—The court may receive and consider, at a hearing held under this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

“(3) TEMPORARY RESTRAINING ORDER.—

“(A) IN GENERAL.—A temporary restraining order may be entered without notice or opportunity for a hearing if the United States demonstrates that—

“(i) there is probable cause to believe that the property or assets with respect to which the order is sought would be subject to execution upon the entry of a criminal restitution order;

“(ii) there is a substantial probability that the United States will obtain a criminal restitution order; and

“(iii) the provision of notice would jeopardize the availability of the property or assets for execution.

1 “(B) EXPIRATION OF ORDER.—A tem-
2 porary order under this paragraph shall expire
3 not later than 10 days after the date on which
4 it is entered, unless—

5 “(i) the court grants an extension for
6 good cause shown; or

7 “(ii) the party against whom the
8 order is entered consents to an extension
9 for a longer period.

10 “(C) HEARING.—A hearing requested con-
11 cerning an order entered under this paragraph
12 shall be held at the earliest possible time, and
13 prior to the expiration of the temporary order.

14 “(4) DISCLOSURE OF CERTAIN INFORMA-
15 TION.—

16 “(A) IN GENERAL.—Information con-
17 cerning the net worth, financial affairs, trans-
18 actions or interests of the defendant presented
19 to the grand jury may be disclosed to an attor-
20 ney for the Government assisting in the en-
21 forcement of criminal restitution orders, for use
22 in the performance of the duties of that attor-
23 ney.

24 “(B) USE OF CONSUMER CREDIT RE-
25 PORTS.—

1 “(i) IN GENERAL.—An attorney for
 2 the Government responsible for the pros-
 3 ecution of criminal offenses, or responsible
 4 for the enforcement of criminal restitution
 5 orders, may obtain and use consumer cred-
 6 it reports to—

7 “(I) obtain an order under this
 8 section;

9 “(II) determine the amount of
 10 restitution that is appropriate; or

11 “(III) enforce a criminal restitu-
 12 tion order.

13 “(ii) GRAND JURY SUBPOENA.—This
 14 subparagraph does not limit the avail-
 15 ability of grand jury subpoenas to obtain a
 16 consumer credit report.

17 “(iii) PROBATION SERVICE.—Upon
 18 conviction, a consumer credit report used
 19 under this subparagraph may be furnished
 20 to the United States Probation Service.

21 “(e) INFORMATION TO PROBATION SERVICE.—

22 “(1) IN GENERAL.—

23 “(A) PROVISION OF INFORMATION BY GOV-
 24 ERNMENT.—Not later than 60 days after con-
 25 viction, and in any event not later than 10 days

1 prior to sentencing, the attorney for the Gov-
2 ernment after consulting with all victims (when
3 practicable), shall promptly provide the proba-
4 tion service of the court all information readily
5 available to the attorney, including matters oc-
6 curring before the grand jury relating to the
7 identity of the victim or victims, the amount of
8 losses, and financial matters relating to the de-
9 fendant.

10 “(B) PROVISION OF INFORMATION BY DE-
11 FENDANTS.—Each defendant shall prepare and
12 file with the probation officer an affidavit fully
13 describing the financial resources of the defend-
14 ant, including a complete listing of all assets
15 owned or controlled by the defendant as of the
16 date on which the defendant was arrested, the
17 financial needs and earning ability of the de-
18 fendant and the defendant’s dependents, and
19 any other information that the court requires
20 relating to such other factors as the court de-
21 termines to be appropriate.

22 “(C) NOTICE TO VICTIMS.—The attorney
23 for the Government shall, to the maximum ex-
24 tent practicable and as soon as practicable after
25 the provision of information by the Government

1 to the probation service under subparagraph
2 (A), provide notice to all victims. The notice
3 shall inform the victims of—

4 “(i) the offenses for which the defend-
5 ant was convicted;

6 “(ii) the amounts subject to restitu-
7 tion and any other information that is rel-
8 evant to restitution submitted to the pro-
9 bation service;

10 “(iii) the right of the victim to submit
11 information to the probation service con-
12 cerning the amount of the losses of the vic-
13 tim;

14 “(iv) the scheduled date, time, and
15 place of the sentencing hearing;

16 “(v) the availability of a lien in favor
17 of the victim under subsection (n)(1)(D);
18 and

19 “(vi) the opportunity of the victim to
20 file a separate affidavit with the court
21 under subparagraph (E).

22 “(D) LIMITATIONS ON INFORMATION.—

23 Upon ex parte application to the court, and a
24 showing that the requirements of subparagraph
25 (A) may cause harm to any victim, or jeop-

1 ardize an ongoing investigation, the court may
2 limit the information to be provided to or
3 sought by the probation service of the court.

4 “(E) AFFIDAVIT OF OBJECTION.—If any
5 victim objects to any of the information pro-
6 vided to the probation service by the attorney
7 for the Government under this paragraph, the
8 victim may file a separate affidavit with the
9 court.

10 “(2) ADDITIONAL DOCUMENTATION OR TESTI-
11 MONY.—After reviewing the report of the probation
12 service of the court, the court may require additional
13 documentation or hear testimony. The privacy of
14 any records filed, or testimony heard, under this sec-
15 tion shall be maintained to the greatest extent pos-
16 sible and those records may be filed or testimony
17 heard in camera.

18 “(3) ADDITIONAL TIME FOR DETERMINATION
19 OF LOSSES.—If the losses to the victim are not as-
20 certainable by the date that is 10 days prior to sen-
21 tencing as provided in paragraph (1), the United
22 States Attorney (or a designee of the United States
23 Attorney) shall so inform the court, and the court
24 shall set a date for the final determination of the
25 losses of the victim, not to exceed 90 days after sen-

1 tencing. If the losses to the victim cannot reasonably
2 be ascertained, the court shall determine an appro-
3 priate amount of restitution based on the available
4 information. If the victim subsequently discovers fur-
5 ther losses, the victim shall have 60 days after dis-
6 covery of those losses during which to petition the
7 court for an amended restitution order. The order
8 may be granted only upon a showing of good cause
9 for the failure to include those losses in the initial
10 claim for restitutionary relief.

11 “(4) REFERRAL TO MAGISTRATE OR SPECIAL
12 MASTER.—The court may refer any issue arising in
13 connection with a proposed order of restitution to a
14 magistrate or special master for proposed findings of
15 fact and recommendations as to disposition, subject
16 to a de novo determination of the issue by the court.

17 “(5) INSURANCE OF VICTIM NOT CONSID-
18 ERED.—In no case shall the fact that a victim has
19 received or is entitled to receive compensation with
20 respect to a loss from insurance or any other source
21 be considered in determining the amount of restitu-
22 tion.

23 “(f) EVIDENTIARY STANDARD.—Any dispute as to
24 the proper amount or type of restitution shall be resolved
25 by the court by the preponderance of the evidence. The

1 burden of demonstrating the amount of the loss sustained
 2 by a victim as a result of the offense shall be on the attor-
 3 ney for the Government. The burden of demonstrating the
 4 financial resources of the defendant and the financial
 5 needs of the defendant and the dependents of the defend-
 6 ant shall be on the defendant. The burden of dem-
 7 onstrating such other matters as the court deems appro-
 8 priate shall be upon the party designated by the court as
 9 justice requires.

10 “(g) FACTORS FOR CONSIDERATION.—

11 “(1) IN GENERAL.—

12 “(A) ECONOMIC CIRCUMSTANCES OF VIC-
 13 TIM NOT CONSIDERED.—In each order of res-
 14 titution, the court shall order restitution to each
 15 victim in the full amount of the losses of each
 16 victim as determined by the court and without
 17 consideration of the economic circumstances of
 18 the defendant.

19 “(B) AWARD OF REASONABLY ASCERTAIN-
 20 ABLE LOSSES.—The court shall order restitu-
 21 tion in the amount of the total loss that is rea-
 22 sonably ascertainable, if—

23 “(i) the number of victims is too
 24 great;

1 “(ii) the actual identity of the victims
2 cannot be ascertained; and

3 “(iii) or the full amount of the losses
4 of each victim cannot be reasonably
5 ascertained;

6 “(2) AMOUNT AND TIMING OF RESTITUTION.—
7 The restitution order shall be for a sum certain and
8 payable immediately.

9 “(3) NOMINAL PERIODIC PAYMENTS.—If the
10 court finds from facts on the record that the eco-
11 nomic circumstances of the defendant do not allow
12 and are not likely to allow the defendant to make
13 more than nominal payments under the restitution
14 order, the court shall direct the defendant to make
15 nominal periodic payments in the amount the de-
16 fendant can reasonably be expected to pay by mak-
17 ing a diligent and bona fide effort toward the res-
18 titution order entered under paragraph (1). Nothing
19 in the paragraph shall impair the obligation of the
20 defendant to make full restitution under this sub-
21 section.

22 “(4) STATUS OF DEBT.—Notwithstanding any
23 payment schedule entered by the court under para-
24 graph (2), each order of restitution shall be a civil
25 debt, payable immediately, and subject to the en-

1 enforcement procedures provided in subsection (n). In
2 no event shall a defendant incur any criminal pen-
3 alty for failure to make a restitution payment under
4 the restitution order because of the indigence of the
5 defendant.

6 “(h) VICTIM RIGHTS.—

7 “(1) NO PARTICIPATION REQUIRED.—No victim
8 shall be required to participate in any phase of a
9 restitution order. If a victim declines to receive res-
10 titution made mandatory by this title, the court shall
11 order that the share of the victim of any restitution
12 owed be deposited in the Crime Victims Fund in the
13 Treasury.

14 “(2) ASSIGNMENT OF INTEREST.—A victim
15 may at any time assign the interest of the victim in
16 restitution payments to the Crime Victims Fund in
17 the Treasury without in any way impairing the obli-
18 gation of the defendant to make those payments.

19 “(3) VICTIMS NOT IDENTIFIED OR LOCATED.—
20 If the victim cannot be located or identified, the
21 court shall direct that the restitution payments be
22 made to the Crime Victims Fund of the Treasury.
23 This paragraph shall not be construed to impair the
24 obligation of the defendant to make those payments.

1 “(i) JOINT AND SEVERAL LIABILITY OF MULTIPLE
2 DEFENDANTS.—If the court finds that more than 1 de-
3 fendant has contributed to the loss of a victim, the court
4 may make each defendant jointly and severally liable for
5 payment of the full amount of restitution or may appor-
6 tion liability among the defendants to reflect the level of
7 contribution to the loss of the victim and economic cir-
8 cumstances of each defendant.

9 “(j) PRIORITY OF PAYMENTS.—If the court finds
10 that more than 1 victim has sustained a loss requiring
11 restitution by a defendant, the court may issue an order
12 of priority for restitution payments based on the type and
13 amount of the loss of the victim accounting for the eco-
14 nomic circumstances of each victim. In any case in which
15 the United States is a victim, the court shall ensure that
16 all individual victims receive full restitution before the
17 United States receives any restitution.

18 “(k) INSURANCE.—

19 “(1) IN GENERAL.—If a victim has received or
20 is entitled to receive compensation with respect to a
21 loss from insurance or any other source, the court
22 shall order that restitution shall be paid to the per-
23 son who provided or is obligated to provide the com-
24 pensation, but the restitution order shall provide
25 that all restitution of victims required by the order

1 be paid to the victims before any restitution is paid
2 to any such provider of compensation.

3 “(2) REDUCTION OF AMOUNT.—Any amount
4 paid to a victim under an order of restitution shall
5 be reduced by any amount later recovered as com-
6 pensatory damages for the same loss by the victim
7 in—

8 “(A) any Federal civil proceeding; and

9 “(B) any State civil proceeding, to the ex-
10 tent provided by the law of the State.

11 “(3) OTHER RESOURCES.—If a person obli-
12 gated to provide restitution receives substantial re-
13 sources from any source, including inheritance, set-
14 tlement, or other judgment, that person shall be re-
15 quired to apply the value of those resources to any
16 restitution still owed.

17 “(1) MATERIAL CHANGES IN ECONOMIC STATUS OF
18 DEFENDANT.—The defendant shall notify the court and
19 the Attorney General of any material change in the eco-
20 nomic circumstances of the defendant that might affect
21 the ability of the defendant to pay restitution. Upon re-
22 ceipt of the notification, the court may, on its own motion,
23 or the motion of any party, including the victim, adjust
24 the payment schedule, or require immediate payment in
25 full, as the interests of justice require.

1 “(m) JURISDICTION OF COURT.—

2 “(1) IN GENERAL.—The court shall retain ju-
3 risdiction over any criminal restitution judgment or
4 amended criminal restitution judgment for a period
5 of 5 years from the date the sentence was imposed.
6 This limitation shall be tolled during any period of
7 time that the defendant—

8 “(A) was incarcerated;

9 “(B) was a fugitive; or

10 “(C) was granted a stay that prevented the
11 enforcement of the restitution order.

12 “(2) FAILURE TO PAY.—While within the juris-
13 diction of the court, if the defendant knowingly fails
14 to make a bona fide effort to pay whatever amount
15 of restitution is ordered by the court, or knowingly
16 and willfully refuses to pay restitution, the court
17 may—

18 “(A) modify the terms or conditions of the
19 probation or supervised release of the defend-
20 ant;

21 “(B) extend the probation or supervised
22 release of the defendant until a date not later
23 than 10 years from the date the sentence was
24 imposed;

1 “(C) revoke the probation or supervised re-
2 lease of the defendant;

3 “(D) hold the defendant in contempt; or

4 “(E) increase the sentence of the defend-
5 ant to any sentence that might originally have
6 been imposed under the applicable statute,
7 without regard to the sentencing guidelines.

8 “(n) ENFORCEMENT OF ORDER OF RESTITUTION.—

9 “(1) IN GENERAL.—An order of restitution may
10 be enforced—

11 “(A) through civil or administrative meth-
12 ods during the period that the restitution lien
13 provided for in section 3613 of title 18, United
14 States Code, is enforceable;

15 “(B) by the United States in the manner
16 provided for in subchapter C of chapter 227
17 and subchapter B of chapter 229;

18 “(C) by the United States regardless of
19 whether for the benefit of the United States, in
20 accordance with the procedures of chapter 176
21 of part VI of title 28, or in accordance with any
22 other administrative or civil enforcement means
23 available to the United States to enforce a debt
24 due the United States; or

1 “(D) by any victim named in the restitu-
 2 tion order as a lien under section 1962 of title
 3 28.

4 “(2) ESTOPPEL.—A conviction of a defendant
 5 for an offense giving rise to restitution under this
 6 section shall estop the defendant from denying the
 7 essential allegations of that offense in any subse-
 8 quent Federal civil proceeding or State civil pro-
 9 ceeding, regardless of any State law precluding es-
 10 toppel for a lack of mutuality. The victim, in the
 11 subsequent proceeding, shall not be precluded from
 12 establishing a loss that is greater than the loss de-
 13 termined by the court in the earlier criminal pro-
 14 ceeding.”.

15 **SEC. 5123. CIVIL REMEDIES.**

16 Section 3613 of title 18, United States Code, is
 17 amended—

18 (1) in the section heading, by inserting “or res-
 19 titution” after “fine”; and

20 (2) in subsection (a)—

21 (A) by striking “The United States” and
 22 inserting the following:

23 “(1) FINES.—The United States”;

24 (B) by redesignating paragraphs (1), (2),
 25 and (3) as subparagraphs (A), (B), and (C), re-

1 spectively, and indenting each subparagraph ac-
2 cordingly; and

3 (C) by adding at the end the following:

4 “(2) RESTITUTION.—

5 “(A) IN GENERAL.—

6 “(i) LIEN.—An order of restitution
7 shall operate as a lien in favor of the
8 United States for its benefit or for the
9 benefit of any non-Federal victims against
10 all property belonging to the defendant or
11 defendants.

12 “(ii) TIMING.—The lien shall arise at
13 the time of the entry of judgment or order
14 and shall continue until the liability is sat-
15 isfied, remitted, or set aside, or until it be-
16 comes otherwise unenforceable.

17 “(iii) PERSONS AGAINST WHOM LIEN
18 APPLIES.—The lien shall apply against all
19 property and property interests—

20 “(I) owned by the defendant or
21 defendants at the time of arrest; and

22 “(II) subsequently acquired by
23 the defendant or defendants.

24 “(B) ENTRY OF LIEN.—The lien shall be
25 entered in the name of the United States on be-

1 half of all ascertained victims, unascertained
2 victims, victims entitled to restitution who
3 choose not to participate in the restitution pro-
4 gram and victims entitled to restitution who
5 cannot assert their interests in the lien for any
6 reason.

7 “(3) JOINTLY HELD PROPERTY.—

8 “(A) IN GENERAL.—

9 “(i) DIVISION AND SALE OF PROP-
10 ERTY.—If the court enforcing an order of
11 restitution under this section determines
12 that the defendant has an interest in prop-
13 erty with another, and that the defendant
14 cannot satisfy the restitution order from
15 his or her separate property or income, the
16 court may, after considering all of the eq-
17 uities, order that jointly owned property be
18 divided and sold, upon such conditions as
19 the court deems just, notwithstanding any
20 Federal or State law to the contrary.

21 “(ii) PROTECTION OF INNOCENT PAR-
22 TIES.—The court shall take care to protect
23 the reasonable and legitimate interests of
24 the innocent spouse and minor children of
25 the defendant, especially real property used

1 as the actual home of that innocent spouse
2 and minor children, except to the extent
3 that the court determines that the interest
4 of that innocent spouse and children is the
5 product of the criminal activity of which
6 the defendant has been convicted, or is the
7 result of a fraudulent transfer.

8 “(B) FRAUDULENT TRANSFERS.—In de-
9 termining whether there was a fraudulent
10 transfer, the court shall consider whether the
11 debtor made the transfer—

12 “(i) with actual intent to hinder,
13 delay, or defraud the United States or
14 other victim; or

15 “(ii) without receiving a reasonably
16 equivalent value in exchange for the trans-
17 fer.

18 “(C) CONSIDERATIONS FOR PROTECTION
19 OF INNOCENT PARTIES.—In determining what
20 portion of the jointly owned property shall be
21 set aside for the innocent spouse or children of
22 the defendant, or whether to have sold or di-
23 vided the jointly held property, the court shall
24 consider—

1 “(i) the contributions of the other
2 joint owner to the value of the property;

3 “(ii) the reasonable expectation of the
4 other joint owner to be able to enjoy the
5 continued use of the property; and

6 “(iii) the economic circumstances and
7 needs of the defendant and dependents of
8 the defendant and the economic cir-
9 cumstances and needs of the victim and
10 the dependents of the victim.”.

11 **SEC. 5124. FINES.**

12 Section 3572(b) of title 18, United States Code, is
13 amended to read as follows:

14 “(b) PAYMENTS; EFFECT OF INDIGENCE.—Any fine,
15 special assessment, restitution, or cost shall be for a sum
16 certain and shall be payable immediately. In no event shall
17 a defendant incur any criminal penalty for failure to make
18 a payment on a fine, special assessment, restitution, or
19 cost as a result of the indigence of the defendant.”.

20 **SEC. 5125. RESENTENCING.**

21 Section 3614(a) of title 18, United States Code, is
22 amended by inserting before the period at the end the fol-
23 lowing: “or may increase the sentence of the defendant
24 to any sentence that might originally have been imposed
25 under the applicable statute”.

1 **Subtitle B—Combating Violence**
 2 **Against Women and Children**

3 **CHAPTER 1—VIOLENCE AGAINST WOMEN**

4 **SEC. 5201. SHORT TITLE.**

5 This chapter may be cited as the “Violence Against
 6 Women Act of 1999”.

7 **SEC. 5202. DEFINITIONS.**

8 In this chapter—

9 (1) the term “domestic violence” has the mean-
 10 ing given the term in section 2003 of title I of the
 11 Omnibus Crime Control and Safe Streets Act of
 12 1968 (42 U.S.C. 3796gg–2); and

13 (2) the term “sexual assault” has the meaning
 14 given the term in section 2003 of title I of the Om-
 15 nibus Crime Control and Safe Streets Act of 1968
 16 (42 U.S.C. 3796gg–2).

17 **Subchapter A—Strengthening Law Enforce-**
 18 **ment To Reduce Violence Against Women**

19 **SEC. 5203. FULL FAITH AND CREDIT ENFORCEMENT OF**
 20 **PROTECTION ORDERS.**

21 (a) IN GENERAL.—Part U of title I of the Omnibus
 22 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 23 3796hh et seq.) is amended—

1 (1) in the part heading, by adding “**AND EN-**
 2 **FORCEMENT OF PROTECTION OR-**
 3 **DERs**” at the end;

4 (2) in section 2101(b), by adding at the end the
 5 following:

6 “(7) To provide technical assistance and com-
 7 puter and other equipment to police departments,
 8 prosecutors, and courts to facilitate interstate en-
 9 forcement of protection orders.”; and

10 (3) in section 2102—

11 (A) in subsection (b)—

12 (i) in paragraph (1), by striking
 13 “and” at the end;

14 (ii) in paragraph (2), by striking the
 15 period at the end and inserting “, includ-
 16 ing the enforcement of protection orders
 17 from other States and jurisdictions;”; and

18 (iii) by adding at the end the fol-
 19 lowing:

20 “(3) have established cooperative agreements
 21 with neighboring jurisdictions to facilitate the en-
 22 forcement of protection orders from other States and
 23 jurisdictions; and

24 “(4) will use the grant to develop and install
 25 data collection and communication systems, includ-

1 ing computerized systems, linking police, prosecu-
 2 tors, and courts for the purpose of identifying and
 3 tracking protection orders and violations of protec-
 4 tion orders.”; and

5 (B) by adding at the end the following:

6 “(c) DISSEMINATION OF INFORMATION.—The Attor-
 7 ney General shall annually compile and broadly dissemi-
 8 nate (including through electronic publication) informa-
 9 tion about successful data collection and communication
 10 systems that meet the purposes described in subsection
 11 (b)(3). Such dissemination shall target States, State and
 12 local courts, Indian tribal governments, and units of local
 13 government.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 15 The table of contents for title I of the Omnibus Crime
 16 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 17 et seq.) is amended in the item relating to part U, by add-
 18 ing “AND ENFORCEMENT OF PROTECTION ORDERS” at
 19 the end.

20 **SEC. 5204. REAUTHORIZATION OF STOP GRANTS.**

21 (a) REAUTHORIZATION.—Section 1001(a)(18) of title
 22 I of the Omnibus Crime Control and Safe Streets Act of
 23 1968 (42 U.S.C. 3793(a)(18)) is amended to read as fol-
 24 lows:

1 “(18) There is authorized to be appropriated from
 2 the Violent Crime Reduction Trust Fund established
 3 under section 310001 of the Violent Crime Control and
 4 Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry
 5 out part T \$185,000,000 for each of fiscal years 2000
 6 through 2003.”.

7 (b) STATE COALITION GRANTS.—Section 2001(b)(5)
 8 of part T of title I of the Omnibus Crime Control and
 9 Safe Streets Act of 1968 (42 U.S.C. 3796) is amended
 10 by inserting “, and the forms of violence and abuse suf-
 11 fered by women who are individuals with disabilities (as
 12 defined in section 3 of the Americans with Disabilities Act
 13 of 1990 (42 U.S.C. 12102))”.

14 **SEC. 5205. REAUTHORIZATION OF GRANTS TO ENCOURAGE**
 15 **ARREST POLICIES.**

16 Section 1001(a)(19) of title I of the Omnibus Crime
 17 Control and Safe Streets Act of 1968 (42 U.S.C.
 18 3793(a)(19)) is amended to read as follows:

19 “(19) There is authorized to be appropriated from
 20 the Violent Crime Reduction Trust Fund established
 21 under section 310001 of the Violent Crime Control and
 22 Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry
 23 out part U \$65,000,000 for each of fiscal years 2000
 24 through 2003.”.

1 **SEC. 5206. GRANTS TO REDUCE VIOLENT CRIMES AGAINST**
 2 **WOMEN ON CAMPUS.**

3 (a) IN GENERAL.—Title I of the Omnibus Crime
 4 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 5 et seq.) is amended—

6 (1) by redesignating part Z as part AA;

7 (2) by redesignating section 2601 as section
 8 2701; and

9 (3) by inserting after part Y the following:

10 **“PART Z—GRANTS TO COMBAT VIOLENT CRIMES**
 11 **AGAINST WOMEN ON CAMPUSES**

12 **“SEC. 2601. PURPOSE OF THE PROGRAM AND GRANTS.**

13 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
 14 this part is to assist institutions of higher education in
 15 bringing together college personnel, security, students,
 16 and victim services to strengthen law enforcement strate-
 17 gies in combating violent crimes against women on cam-
 18 puses and to improve services to victims.

19 “(b) PURPOSES FOR WHICH GRANTS MAY BE
 20 USED.—Grants under this part shall provide personnel,
 21 training, technical assistance, data collection, and other
 22 equipment for the more widespread investigation, appre-
 23 hension, prosecution, and adjudication of persons commit-
 24 ting violent crimes against women on campuses, and spe-
 25 cifically, for the purposes of—

1 “(1) training campus administrators and cam-
2 pus security personnel to more effectively identify
3 and respond to violent crimes against women on
4 campus, including the crimes of sexual assault,
5 stalking, and domestic violence;

6 “(2) developing and implementing more effec-
7 tive campus security and investigative policies, pro-
8 tocols, orders, and services specifically devoted to
9 preventing, identifying, and responding to violent
10 crimes against women on campus, including the
11 crimes of sexual assault, stalking, and domestic vio-
12 lence;

13 “(3) developing, enlarging, or strengthening vic-
14 tim services programs, for local campuses, including
15 sexual assault, stalking, and domestic violence pro-
16 grams;

17 “(4) developing or improving delivery of victim
18 services on campuses, including on-campus programs
19 that provide counseling, support, and victim advo-
20 cacy; and

21 “(5) supporting improved coordination between
22 campus administrators and campus security per-
23 sonnel, and local criminal justice authorities to re-
24 duce violent crimes against women on campus.

1 **“SEC. 2602. CAMPUS GRANTS.**

2 “(a) IN GENERAL.—The Attorney General may make
3 grants to institutions of higher education in accordance
4 with this part, for use by campus personnel and nonprofit
5 victim services programs to assist campus administrators
6 and campus security personnel (including employees, con-
7 tractors, and volunteers) to develop and strengthen—

8 “(1) effective security and investigation strate-
9 gies to combat violent crimes against women on
10 campuses, particularly sexual assault, stalking, and
11 domestic violence; and

12 “(2) victim services in cases involving violent
13 crimes against women on campuses, which may in-
14 clude partnerships with local criminal justice au-
15 thorities and community-based victims services agen-
16 cies.

17 “(b) APPLICATION REQUIREMENTS.—Each applica-
18 tion under this part shall meet the requirements of section
19 517 and shall include documentation demonstrating—

20 “(1) need for the grant funds;

21 “(2) intended use of the grant funds;

22 “(3) expected results from the use of the grant
23 funds; and

24 “(4) characteristics of the population being
25 served, including number of students and type of
26 campus and demographic characteristics of the pop-

1 ulation and documentation of services to under-
2 served populations.

3 “(c) CERTIFICATIONS.—The certifications described
4 in this subsection are certifications that the applicant
5 will—

6 “(1) use the grant amount under this part for
7 the purposes described in section 2601(b);

8 “(2) establish a plan to monitor and evaluate
9 the use of funds; and

10 “(3) use any Federal funds received under this
11 part to supplement, not supplant, non-Federal funds
12 that would otherwise be available for activities fund-
13 ed under this part.

14 “(d) DISBURSEMENT.—

15 “(1) IN GENERAL.—Not later than 60 days
16 after the receipt of an application under this part,
17 the Attorney General shall—

18 “(A) make a grant in accordance with this
19 part to the applicant; or

20 “(B) inform the applicant of the reasons
21 that the application does not meet the require-
22 ments of section 517 or the requirements of
23 this section.

24 “(2) REGULATIONS.—In making grants under
25 this part, the Attorney General shall—

1 “(A) equitably distribute moneys on a geo-
2 graphic basis, including nonurban and rural
3 areas of various geographic sizes; and

4 “(B) recognize and address the needs of
5 underserved, including rural, populations.

6 “(e) FEDERAL SHARE.—The Federal share of a
7 grant made under this part may not exceed 75 percent
8 of the total cost of the projects described in the application
9 submitted under this part.

10 **“SEC. 2603. DEFINITIONS.**

11 “In this part—

12 “(1) the terms ‘domestic violence’, ‘sexual as-
13 sault’, ‘underserved populations’, and ‘victim serv-
14 ices’ have the meaning given the terms in section
15 2003; and

16 “(2) the term ‘institutions of higher education’
17 has the meaning given the term in section 1201(a)
18 of the Higher Education Act of 1965 (20 U.S.C.
19 1141(a)).”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
21 1001 of the Omnibus Crime Control and Safe Streets Act
22 of 1968 (42 U.S.C. 3793), is amended—

23 (1) in paragraph (3), by striking “and X” and
24 inserting “X, and Z”; and

25 (2) by adding at the end the following:

1 “(24) There is authorized to be appropriated
 2 from the Violent Crime Reduction Trust Fund es-
 3 tablished under section 310001 of the Violent Crime
 4 Control and Law Enforcement Act of 1994 (42
 5 U.S.C. 14211) to carry out part Z \$10,000,000 for
 6 each of fiscal years 2000 through 2003.”.

7 **SEC. 5207. REAUTHORIZATION OF RURAL DOMESTIC VIO-**
 8 **LENCE AND CHILD ABUSE ENFORCEMENT**
 9 **GRANTS.**

10 (a) REAUTHORIZATION.—Section 40295(c)(1) of the
 11 Violence Against Women Act of 1994 (42 U.S.C.
 12 13971(c)(1)) is amended to read as follows:

13 “(1) IN GENERAL.—There is authorized to be
 14 appropriated from the Violent Crime Reduction
 15 Trust Fund established under section 310001 of this
 16 Act to carry out this section \$40,000,000 for each
 17 of fiscal years 2000 through 2003.”.

18 (b) INDIAN TRIBES.—Section 40295(c) of the Vio-
 19 lence Against Women Act of 1994 (42 U.S.C. 13971(c))
 20 is amended by adding at the end the following:

21 “(3) ALLOTMENT FOR INDIAN TRIBES.—

22 “(A) IN GENERAL.—Not less than 5 per-
 23 cent of the total amount made available to
 24 carry out this section for each fiscal year shall

1 be available for grants to Indian tribal govern-
 2 ments.

3 “(B) REALLOTMENT OF FUNDS.—If, be-
 4 ginning 9 months after the last day of any fis-
 5 cal year for which amounts are made available
 6 to carry out this paragraph, any amount made
 7 available under this paragraph remains unobli-
 8 gated, the unobligated amount may be allocated
 9 without regard to subparagraph (A).”.

10 **SEC. 5208. NATIONAL STALKER AND DOMESTIC VIOLENCE**
 11 **REDUCTION.**

12 (a) REAUTHORIZATION.—Section 40603 of the Vio-
 13 lence Against Women Act of 1994 (42 U.S.C. 14032) is
 14 amended to read as follows:

15 **“SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.**

16 “There is authorized to be appropriated from the Vio-
 17 lent Crime Reduction Trust Fund established under sec-
 18 tion 310001 to carry out this subtitle \$3,000,000 for each
 19 of fiscal years 2000 through 2003.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 21 Section 40602(a) of the Violence Against Women Act of
 22 1994 (42 U.S.C. 14031 note) is amended by inserting
 23 “and implement” after “improve”.

1 **SEC. 5209. DOMESTIC VIOLENCE AND STALKING OFFENSES.**

2 (a) INTERSTATE DOMESTIC VIOLENCE.—Section
3 2261(a) of title 18, United States Code, is amended to
4 read as follows:

5 “(a) OFFENSES.—

6 “(1) TRAVEL OR CONDUCT OF OFFENDER.—A
7 person who travels in interstate or foreign commerce
8 or to or from Indian country with the intent to in-
9 jure, harass, or intimidate a spouse or intimate part-
10 ner, and who, in the course of or as a result of such
11 travel, commits or attempts to commit a crime of vi-
12 olence against that spouse or intimate partner, shall
13 be punished as provided in subsection (b).

14 “(2) CAUSING TRAVEL OF VICTIM.—A person
15 who causes a spouse or intimate partner to travel in
16 interstate or foreign commerce or to or from Indian
17 country by force, coercion, duress, or fraud, and
18 who, in the course of or as a result of such conduct
19 or travel, commits or attempts to commit a crime of
20 violence against that spouse or intimate partner,
21 shall be punished as provided in subsection (b).”.

22 (b) INTERSTATE STALKING.—Section 2261A of title
23 18, United States Code, is amended to read as follows:

24 “§ 2261A. Interstate stalking

25 “Whoever—

1 “(1) with the intent to injure, harass, or intimi-
 2 date another person, engages in the special maritime
 3 and territorial jurisdiction of the United States in
 4 conduct that places that person in reasonable fear of
 5 the death of, or serious bodily injury to, that person
 6 or a member of that person’s immediate family (as
 7 defined in section 115); or

8 “(2) with the intent to injure, harass, or intimi-
 9 date another person, travels in interstate or foreign
 10 commerce or to or from Indian country, and in the
 11 course of or as a result of such travel engages in
 12 conduct that places that person in reasonable fear of
 13 the death of, or serious bodily injury to, that person
 14 or a member of that person’s immediate family (as
 15 defined in section 115),

16 shall be punished as provided in section 2261.”.

17 (c) INTERSTATE VIOLATION OF PROTECTION
 18 ORDER.—Section 2262(a) of title 18, United States Code,
 19 is amended to read as follows:

20 “(a) OFFENSES.—

21 “(1) TRAVEL OR CONDUCT OF OFFENDER.—A
 22 person who travels in interstate or foreign commerce
 23 or to or from Indian country with the intent to en-
 24 gage in conduct that violates the portion of a protec-
 25 tion order that prohibits or provides protection

1 against violence, threats, or harassment against,
2 contact or communication with, or physical prox-
3 imity to, another person, or that would violate such
4 a portion of a protection order in the jurisdiction in
5 which the order was issued, and subsequently en-
6 gages in such conduct, shall be punished as provided
7 in subsection (b).

8 “(2) CAUSING TRAVEL OF VICTIM.—A person
9 who causes another person to travel in interstate or
10 foreign commerce or to or from Indian country by
11 force, coercion, duress, or fraud, and in the course
12 of or as a result of such conduct or travel engages
13 in conduct that violates the portion of a protection
14 order that prohibits or provides protection against
15 violence, threats, or harassment against, contact or
16 communication with, or physical proximity to, an-
17 other person, or that would violate such a portion of
18 a protection order in the jurisdiction in which the
19 order was issued, shall be punished as provided in
20 subsection (b).”.

21 (d) DEFINITIONS.—Section 2266 of title 18, United
22 States Code, is amended—

23 (1) by inserting after the first undesignated
24 paragraph the following:

1 “‘serious bodily injury’ has the meaning stated in
2 section 2119(2).”; and

3 (2) by striking the final undesignated para-
4 graph and inserting the following:

5 “‘travel in interstate or foreign commerce’ does not
6 include travel from 1 State to another by an indi-
7 vidual who is a member of an Indian tribe and who
8 remains at all times in the territory of the Indian
9 tribe of which the individual is a member.”.

10 **SEC. 5210. DOMESTIC VIOLENCE AGAINST WOMEN BY MEM-**
11 **BERS OF THE ARMED FORCES.**

12 (a) REQUIREMENT FOR REVIEW.—The Secretary of
13 Defense shall conduct a detailed review of the extent of
14 the occurrence of domestic violence by members of the
15 Armed Forces at military installations inside and outside
16 the United States and the actions taken within the De-
17 partment of Defense to prevent, control, and otherwise re-
18 spond to domestic violence by Armed Forces personnel at
19 the military installations. The Secretary shall commence
20 the review not later than 30 days after the date of enact-
21 ment of this Act.

22 (b) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Secretary shall submit to
24 the Senate and the House of Representatives a report on
25 the review required by subsection (a). The report shall in-

1 clude a detailed discussion of the results of the review and
 2 any recommendations for actions responding to domestic
 3 violence at the military installations.

4 **Subchapter B—Strengthening Services to**
 5 **Victims of Violence**

6 **SEC. 5211. SHELTERS FOR BATTERED WOMEN AND CHIL-**
 7 **DREN.**

8 (a) REAUTHORIZATION.—Section 310(a) of the Fam-
 9 ily Violence Prevention and Services Act (42 U.S.C.
 10 10409(a)) is amended to read as follows:

11 “(a) IN GENERAL.—

12 “(1) AUTHORIZATION OF APPROPRIATIONS.—

13 There are authorized to be appropriated to carry out
 14 this title \$120,000,000 for each of the fiscal years
 15 2001 and 2002.

16 “(2) SOURCE OF FUNDS.—Amounts made avail-
 17 able under paragraph (1) may be appropriated from
 18 the Violent Crime Reduction Trust Fund established
 19 under section 310001 of the Violent Crime Control
 20 and Law Enforcement Act of 1994 (42 U.S.C.
 21 14211).”.

22 (b) NEEDS ASSESSMENT.—Title III of the Family
 23 Violence Prevention and Services Act (42 U.S.C. 10401
 24 et seq.) is amended by adding at the end the following:

1 **“SEC. 319. NEEDS ASSESSMENT.**

2 “In carrying out this title, the Secretary shall provide
3 for the conduct of a nationwide needs assessment relating
4 to the programs carried out under this title. In awarding
5 grants, application shall indicate number of persons served
6 and develop a plan for evaluating need and utility of serv-
7 ices.”.

8 **SEC. 5212. NATIONAL DOMESTIC VIOLENCE HOTLINE.**

9 (a) REAUTHORIZATION.—Section 316(f)(1) of the
10 Family Violence Prevention and Services Act (42 U.S.C.
11 10416(f)(1)) is amended to read as follows:

12 “(1) IN GENERAL.—There are authorized to be
13 appropriated from the Violent Crime Reduction
14 Trust Fund established under section 310001 of the
15 Violent Crime Control and Law Enforcement Act of
16 1994 (42 U.S.C. 14211) to carry out this section
17 \$2,000,000 for each of fiscal years 2000 through
18 2003.”.

19 (b) REPORT BY GRANTEEES.—Section 316 of the
20 Family Violence Prevention and Services Act (42 U.S.C.
21 10416) is amended by adding at the end the following:

22 “(g) REPORT BY GRANTEEES.—

23 “(1) IN GENERAL.—Not later than 90 days
24 after the date of enactment of this subsection, each
25 recipient of a grant under this section shall prepare
26 and submit a report to the Secretary that evaluates

1 the effectiveness of the use of amounts received by
 2 the recipient under this section and containing such
 3 other information as the Secretary may prescribe.

4 “(2) NOTICE AND PUBLIC COMMENT.—Before
 5 renewing any grant under this section, the Secretary
 6 shall publish in the Federal Register a copy of each
 7 report submitted under this subsection and provide
 8 not less than 90 days for notice and opportunity for
 9 public comment on the published report.”.

10 **SEC. 5213. BATTERED IMMIGRANT WOMEN.**

11 (a) REMOVING BARRIERS TO ADJUSTMENT OF STA-
 12 TUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

13 (1) IN GENERAL.—Section 245 of the Immigra-
 14 tion and Nationality Act (8 U.S.C. 1255) is
 15 amended—

16 (A) in subsection (a), by inserting “of an
 17 alien who qualifies for classification under sub-
 18 paragraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of
 19 section 204(a)(1) or” after “The status”;

20 (B) in subsection (a), by adding at the end
 21 the following: “An alien who qualifies for classi-
 22 fication under subparagraph (A)(iii), (A)(iv),
 23 (B)(ii), or (B)(iii) of section 204(a)(1) who files
 24 for adjustment of status under this subsection

1 shall pay a \$1,000 fee, subject to the provisions
2 of section 245(k).”;

3 (C) in subsection (c)(2), by striking
4 “201(b) or a special” and inserting “201(b), an
5 alien who qualifies for classification under sub-
6 paragraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of
7 section 204(a)(1), or a special”;

8 (D) in subsection (c)(4), by striking
9 “201(b))” and inserting “201(b) or an alien
10 who qualifies for classification under subpara-
11 graph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of sec-
12 tion 204(a)(1))”;

13 (E) in subsection (c)(5), by inserting
14 “(other than an alien who qualifies for classi-
15 fication under subparagraph (A)(iii), (A)(iv),
16 (B)(ii), or (B)(iii) of section 204(a)(1))” after
17 “an alien”; and

18 (F) in subsection (c)(8), by inserting
19 “(other than an alien who qualifies for classi-
20 fication under subparagraph (A)(iii), (A)(iv),
21 (B)(ii), or (B)(iii) of section 204(a)(1))” after
22 “any alien”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by paragraph (1) shall apply to applications for ad-

1 justment of status pending on or after the date of
2 enactment of this Act.

3 (b) REMOVING BARRIERS TO CANCELLATION OF RE-
4 MOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS
5 OF DOMESTIC VIOLENCE.—

6 (1) IN GENERAL.—

7 (A) SPECIAL RULE FOR CALCULATING
8 CONTINUOUS PERIOD FOR BATTERED SPOUSE
9 OR CHILD.—Paragraph (1) of section 240A(d)
10 of the Immigration and Nationality Act (8
11 U.S.C. 1229b(d)(1)) is amended to read as fol-
12 lows:

13 “(1) TERMINATION OF CONTINUOUS PERIOD.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), for purposes of this section,
16 any period of continuous residence or contin-
17 uous physical presence in the United States
18 shall be deemed to end when the alien is served
19 a notice to appear under section 239(a) or when
20 the alien has committed an offense referred to
21 in section 212(a)(2) that renders the alien inad-
22 missible to the United States under section
23 212(a)(2) or removable from the United States
24 under section 237(a) (2) or (4), whichever is
25 earliest.

1 “(B) SPECIAL RULE FOR BATTERED
2 SPOUSE OR CHILD.—For purposes of subsection
3 (b)(2), the service of a notice to appear referred
4 to in subparagraph (A) shall not be deemed to
5 end any period of continuous physical presence
6 in the United States.”.

7 (B) EXEMPTION FROM ANNUAL LIMITA-
8 TION ON CANCELLATION OF REMOVAL FOR BAT-
9 TERED SPOUSE OR CHILD.—Section 240A(e)(3)
10 of the Immigration and Nationality Act (8
11 U.S.C. 1229b(e)(3)) is amended by adding at
12 the end the following:

13 “(C) Aliens whose removal is canceled
14 under subsection (b)(2).”.

15 (C) EFFECTIVE DATE.—The amendments
16 made by subparagraphs (A) and (B) shall take
17 effect as if included in the enactment of section
18 304 of the Illegal Immigration Reform and Im-
19 migrant Responsibility Act of 1996 (Public Law
20 104–208; 110 Stat. 587).

21 (2) MODIFICATION OF CERTAIN TRANSITION
22 RULES FOR BATTERED SPOUSE OR CHILD.—

23 (A) IN GENERAL.—Subparagraph (C) of
24 section 309(c)(5) of the Illegal Immigration Re-
25 form and Immigrant Responsibility Act of 1996

1 (8 U.S.C. 1101 note) (as amended by section
2 203 of the Nicaraguan Adjustment and Central
3 American Relief Act) is amended—

4 (i) by amending the subparagraph
5 heading to read as follows:

6 “(C) SPECIAL RULE FOR CERTAIN ALIENS
7 GRANTED TEMPORARY PROTECTION FROM DE-
8 PORTATION AND FOR BATTERED SPOUSES AND
9 CHILDREN.—”; and

10 (ii) in clause (i)—

11 (I) by striking “or” at the end of
12 subclause (IV);

13 (II) by striking the period at the
14 end of subclause (V) and inserting “;
15 or”; and

16 (III) by adding at the end the
17 following:

18 “(VI) is an alien who was issued
19 an order to show cause or was in de-
20 portation proceedings prior to April 1,
21 1997, and who applied for suspension
22 of deportation under section 244(a)(3)
23 of the Immigration and Nationality
24 Act (as in effect before the date of en-
25 actment of this Act).”.

1 (B) EFFECTIVE DATE.—The amendments
2 made by subparagraph (A) shall take effect as
3 if included in the enactment of section 309 of
4 the Illegal Immigration Reform and Immigrant
5 Responsibility Act of 1996 (8 U.S.C. 1101
6 note).

7 (c) ELIMINATING TIME LIMITATIONS ON MOTIONS
8 TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS
9 FOR VICTIMS OF DOMESTIC VIOLENCE.—

10 (1) REMOVAL PROCEEDINGS.—

11 (A) IN GENERAL.—Section 240(c)(6)(C) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1229a(c)(6)(C)) is amended by adding at the
14 end the following:

15 “(iv) SPECIAL RULE FOR BATTERED
16 SPOUSES AND CHILDREN.—There is no
17 time limit on the filing of a motion to re-
18 open, and the deadline specified in sub-
19 section (b)(5)(C) does not apply, if the
20 basis of the motion is to apply for adjust-
21 ment of status based on a petition filed
22 under clause (iii) or (iv) of section
23 204(a)(1)(A), clause (ii) or (iii) of section
24 204(a)(1)(B), or section 240A(b)(2) and if
25 the motion to reopen is accompanied by a

1 cancellation of removal application to be
2 filed with the Attorney General or by a
3 copy of the self-petition that will be filed
4 with the Immigration and Naturalization
5 Service upon the granting of the motion to
6 reopen.”.

7 (B) EFFECTIVE DATE.—The amendments
8 made by subparagraph (A) shall take effect as
9 if included in the enactment of section 304 of
10 the Illegal Immigration Reform and Immigrant
11 Responsibility Act of 1996 (Public Law 104–
12 208; 110 Stat. 587).

13 (2) DEPORTATION PROCEEDINGS.—

14 (A) IN GENERAL.—Notwithstanding any
15 limitation imposed by law on motions to reopen
16 deportation proceedings under the Immigration
17 and Nationality Act (as in effect before the title
18 III–A effective date in section 309 of the Illegal
19 Immigration Reform and Immigrant Responsi-
20 bility Act of 1996 (8 U.S.C. 1101 note)), there
21 is no time limit on the filing of a motion to re-
22 open such proceedings, and the deadline speci-
23 fied in section 242B(c)(3) of the Immigration
24 and Nationality Act (as so in effect) does not
25 apply if the basis of the motion is to apply for

1 relief under clause (iii) or (iv) of section
2 204(a)(1)(A) of the Immigration and Nation-
3 ality Act, clause (ii) or (iii) of section
4 204(a)(1)(B) of such Act, or section 244(a)(3)
5 of such Act (as so in effect) and if the motion
6 to reopen is accompanied by a cancellation of
7 removal application to be filed with the Attor-
8 ney General or by a copy of the self-petition
9 that will be filed with the Immigration and Nat-
10 uralization Service upon the granting of the
11 motion to reopen.

12 (B) APPLICABILITY.—Subparagraph (A)
13 shall apply to motions filed by aliens who—

14 (i) are, or were, in deportation pro-
15 ceedings under the Immigration and Na-
16 tionality Act (as in effect before the title
17 III–A effective date in section 309 of the
18 Illegal Immigration Reform and Immigrant
19 Responsibility Act of 1996 (8 U.S.C. 1101
20 note)); and

21 (ii) have become eligible to apply for
22 relief under clause (iii) or (iv) of section
23 204(a)(1)(A) of the Immigration and Na-
24 tionality Act, clause (ii) or (iii) of section
25 204(a)(1)(B) of such Act, or section

244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.); or

(II) subsection (b) of this section.

Subchapter C—Limiting the Effects of Violence on Children

SEC. 5214. REAUTHORIZATION OF RUNAWAY AND HOME- LESS YOUTH GRANTS.

(a) IN GENERAL.—Section 316(c) of the Runaway and Homeless Youth Act (42 U.S.C. 5712d(c)) is amended to read as follows:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$20,000,000 for each of fiscal years 2000 through 2003.”.

1 (b) DISSEMINATION OF INFORMATION.—Section 316
 2 of part A of the Runaway and Homeless Youth Act (42
 3 U.S.C. 5712d) is amended—

4 (1) by redesignating subsection (d) as sub-
 5 section (e); and

6 (2) by inserting after subsection (c) the fol-
 7 lowing:

8 “(d) DISSEMINATION OF INFORMATION.—The Sec-
 9 retary shall annually compile and broadly disseminate (in-
 10 cluding through electronic publication) information about
 11 the use of amounts expended and the projects funded
 12 under this subtitle, including any evaluations of the
 13 projects and information to enable replication and adop-
 14 tion of the strategies identified in the projects. Such dis-
 15 semination shall target community-based programs, in-
 16 cluding domestic violence and sexual assault programs.”.

17 **SEC. 5215. REAUTHORIZATION OF VICTIMS OF CHILD**
 18 **ABUSE PROGRAMS.**

19 (a) COURT-APPOINTED SPECIAL ADVOCATE PRO-
 20 GRAM.—Section 218(a) of the Victims of Child Abuse Act
 21 of 1990 (42 U.S.C. 13014(a)) is amended to read as fol-
 22 lows:

23 “(a) AUTHORIZATION.—There are authorized to be
 24 appropriated from the Violent Crime Reduction Trust
 25 Fund established under section 310001 of the Violent

1 Crime Control and Law Enforcement Act of 1994 (42
2 U.S.C. 14211) to carry out this subtitle—

3 “(1) \$9,000,000 for fiscal year 2000;

4 “(2) \$10,000,000 for fiscal year 2001; and

5 “(3) \$12,000,000 for each of fiscal years 2002
6 and 2003.”.

7 (b) CHILD ABUSE TRAINING PROGRAMS FOR JUDI-
8 CIAL PERSONNEL AND PRACTITIONERS.—Section 224(a)
9 of the Victims of Child Abuse Act of 1990 (42 U.S.C.
10 13024(a) is amended to read as follows:

11 “(a) AUTHORIZATION.—There are authorized to be
12 appropriated from the Violent Crime Reduction Trust
13 Fund established under section 310001 of the Violent
14 Crime Control and Law Enforcement Act of 1994 (42
15 U.S.C. 14211) to carry out this subtitle—

16 “(1) \$2,000,000 for fiscal year 2000; and

17 “(2) \$2,300,000 for each of fiscal years 2001
18 through 2003.”.

19 (c) DISSEMINATION OF INFORMATION.—The Attor-
20 ney General shall annually compile and broadly dissemi-
21 nate (including through electronic publication) informa-
22 tion about the use of amounts expended and the projects
23 funded under section 218(a) of the Victims of Child Abuse
24 Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the
25 Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)),

1 and section 1007(a)(7) of title I of the Omnibus Crime
 2 Control and Safe Streets Act of 1968 (42 U.S.C.
 3 3793(a)(7)), including any evaluations of the projects and
 4 information to enable replication and adoption of the
 5 strategies identified in the projects. Such dissemination
 6 shall target community-based programs, including domes-
 7 tic violence and sexual assault programs.

8 **Subchapter D—Strengthening Education and**
 9 **Training To Combat Violence Against Women**

10 **SEC. 5216. EDUCATION AND TRAINING TO END VIOLENCE**
 11 **AGAINST AND ABUSE OF WOMEN WITH DIS-**
 12 **ABILITIES.**

13 (a) IN GENERAL.—The Attorney General shall make
 14 grants to States and nongovernmental private entities to
 15 provide education and technical assistance for the purpose
 16 of providing training, consultation, and information on vi-
 17 olence, abuse, and sexual assault against women who are
 18 individuals with disabilities (as defined in section 3 of the
 19 Americans with Disabilities Act of 1990 (42 U.S.C.
 20 12102)).

21 (b) PRIORITIES.—In making grants under this sec-
 22 tion, the Attorney General shall give priority to applica-
 23 tions designed to provide education and technical assist-
 24 ance on—

1 (1) the nature, definition, and characteristics of
2 violence, abuse, and sexual assault experienced by
3 women who are individuals with disabilities;

4 (2) outreach activities to ensure that women
5 who are individuals with disabilities who are victims
6 of violence, abuse, and sexual assault receive appro-
7 priate assistance;

8 (3) the requirements of shelters and victim
9 services organizations under Federal anti-discrimina-
10 tion laws, including the Americans with Disabilities
11 Act of 1990 and section 504 of the Rehabilitation
12 Act of 1973; and

13 (4) cost-effective ways that shelters and victim
14 services may accommodate the needs of individuals
15 with disabilities in accordance with the Americans
16 with Disabilities Act of 1990.

17 (c) USES OF GRANTS.—Each recipient of a grant
18 under this section shall provide information and training
19 to organizations and programs that provide services to in-
20 dividuals with disabilities, including independent living
21 centers, disability-related service organizations, and do-
22 mestic violence programs providing shelter or related as-
23 sistance.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated from the Violent Crime Re-

duction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section \$5,000,000 for each of fiscal years 2000 through 2003.

SEC. 5217. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking “and” at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

“(H) groups that provide services to or advocate on behalf of individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and”.

(2) by striking subsection (h) and inserting the following:

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act

1 of 1994 (42 U.S.C. 14211) to carry out this section
2 \$6,000,000 for each of fiscal years 2000 through 2003.”.

3 **CHAPTER 2—GENERAL REFORMS**

4 **SEC. 5221. PARTICIPATION OF RELIGIOUS ORGANIZATIONS**
5 **IN VIOLENCE AGAINST WOMEN ACT OF 1994**
6 **PROGRAMS.**

7 Notwithstanding any other provision of law—

8 (1) religious organizations shall be eligible to
9 participate in any grant program authorized pursu-
10 ant to the Violence Against Women Act of 1994
11 (title IV of Public Law 103–322) that allows for the
12 participation of nongovernmental entities, programs,
13 or agencies, or any private organizations;

14 (2) no Federal or State governmental agency
15 receiving funds under any such program shall dis-
16 criminate against an organization on the basis that
17 the organization has a religious character; and

18 (3) nothing in this section may be construed to
19 preempt any provision of a State constitution or
20 State statute that prohibits or restricts the expendi-
21 ture of State funds in or by religious organizations.

1 **SEC. 5222. DEATH PENALTY FOR FATAL INTERSTATE DO-**
2 **MESTIC VIOLENCE OFFENSES.**

3 Sections 2261(b)(1) and 2262(b)(1) of title 18,
4 United States Code, are each amended by inserting “or
5 may be sentenced to death,” after “years,”.

6 **SEC. 5223. DEATH PENALTY FOR FATAL INTERSTATE VIO-**
7 **LATIONS OF PROTECTIVE ORDERS.**

8 Section 2262 of title 18, United States Code, is
9 amended by inserting “or may be sentenced to death,”
10 after “years,”.

11 **SEC. 5224. EVIDENCE OF DISPOSITION OF DEFENDANT TO-**
12 **WARD VICTIM IN DOMESTIC VIOLENCE CASES**
13 **AND OTHER CASES.**

14 Rule 404(b) of the Federal Rules of Evidence is
15 amended by striking “or absence of mistake or accident”
16 and inserting “absence of mistake or accident, or a dis-
17 position toward a particular individual,”.

18 **SEC. 5225. HIV TESTING OF DEFENDANTS IN SEXUAL AS-**
19 **SAULT CASES.**

20 (a) IN GENERAL.—Chapter 109A of title 18, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

1 **“§ 2249. Testing for human immunodeficiency virus;**
2 **disclosure of test results to victim; effect**
3 **on penalty**

4 “(a) TESTING AT TIME OF PRETRIAL RELEASE DE-
5 TERMINATION.—

6 “(1) IN GENERAL.—In a case in which a person
7 is charged with an offense under this chapter, upon
8 request of the victim, a judicial officer issuing an
9 order pursuant to section 3142(a) shall include in
10 the order a requirement that a test for the human
11 immunodeficiency virus be performed upon the per-
12 son, and that followup tests for the virus be per-
13 formed 6 months and 12 months following the date
14 of the initial test, unless the judicial officer deter-
15 mines that the conduct of the person created no risk
16 of transmission of the virus to the victim, and so
17 states in the order.

18 “(2) TIMING.—The order shall direct that the
19 initial test be performed within 24 hours, or as soon
20 thereafter as feasible.

21 “(3) NO RELEASE FROM CUSTODY.—Any per-
22 son upon whom a test is performed under this
23 section—

24 “(A) shall not be released from custody
25 until the test is performed; and

1 “(B) unless indigent, shall be responsible
2 for paying for the test at the time the test is
3 performed.

4 “(b) TESTING AT LATER TIME.—

5 “(1) IN GENERAL.—If a person charged with
6 an offense under this chapter was not tested for the
7 human immunodeficiency virus pursuant to sub-
8 section (a), the court may at a later time direct that
9 such a test be performed upon the person, and that
10 followup tests be performed 6 months and 12
11 months following the date of the initial test, if it ap-
12 pears to the court that the conduct of the person
13 may have risked transmission of the virus to the vic-
14 tim.

15 “(2) TIMING.—A testing requirement under
16 this subsection may be imposed at any time while
17 the charge is pending, or following conviction at any
18 time prior to the completion of service of the sen-
19 tence by the person.

20 “(c) TERMINATION OF TESTING REQUIREMENT.—A
21 requirement of followup testing imposed under this section
22 shall be canceled if any test is positive for the virus or
23 the person obtains an acquittal on, or dismissal of, all
24 charges under this chapter.

25 “(d) DISCLOSURE OF TEST RESULTS.—

1 “(1) IN GENERAL.—The results of any test for
2 the human immunodeficiency virus performed pursu-
3 ant to an order under this section shall be provided
4 to the judicial officer or court.

5 “(2) DISCLOSURE TO VICTIM.—The judicial of-
6 ficer or court shall ensure that the results are dis-
7 closed to the victim (or to the parent or legal guard-
8 ian of the victim, as appropriate), the attorney for
9 the government, and the person tested.

10 “(3) APPLICABILITY OF OTHER LAW.—Test re-
11 sults disclosed pursuant to this subsection shall be
12 subject to paragraphs (5) through (7) of section
13 40503(b) of the Violent Crime Control Act of 1994
14 (42 U.S.C. 14011(b)).

15 “(4) COUNSELING.—Any test result of the de-
16 fendant given to the victim or the defendant must be
17 accompanied by appropriate counseling, unless the
18 recipient does not wish to receive such counseling.

19 “(e) EFFECT ON PENALTY.—The United States Sen-
20 tencing Commission shall amend the Federal sentencing
21 guidelines for sentences for offenses under this chapter to
22 enhance the sentence if the offender knew or had reason
23 to know that the offender was infected with the human
24 immunodeficiency virus, except if the offender did not en-

1 gage or attempt to engage in conduct creating a risk of
 2 transmission of the virus to the victim.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 4 The analysis for chapter 109A of title 18, United States
 5 Code, is amended by adding at the end the following:

“2249. Testing for human immunodeficiency virus; disclosure of test results to
 victim; effect on penalty.”.

6 (c) AMENDMENTS TO TESTING PROVISIONS.—Sec-
 7 tion 40503(b) of the Violent Crime Control and Law En-
 8 forcement Act of 1994 (42 U.S.C. 14011(b)) is
 9 amended—

10 (1) by striking the subsection heading and in-
 11 serting the following:

12 “(b) TESTING OF DEFENDANTS.—”;

13 (2) in paragraph (1)—

14 (A) by inserting “, or the Government in
 15 such a case,” after “subsection (a)”;

16 (B) by inserting “(or to the parent or legal
 17 guardian of the victim, as appropriate)” after
 18 “communicated to the victim”; and

19 (C) by inserting “, unless the recipient
 20 does not wish to receive such counseling” after
 21 “counseling”; and

22 (3) in paragraph (2)—

23 (A) by striking “to obtain an order under
 24 paragraph (1), the victim must demonstrate

that” and inserting “the victim or the Government may obtain an order under paragraph (1) by showing that”;

(B) in subparagraph (A)—

(i) by striking “the offense” and inserting “a sexual assault involving alleged conduct that poses a risk of transmission of the etiologic agent for acquired immune deficiency syndrome”; and

(ii) by inserting “and” after the semicolon;

(C) in subparagraph (B), by striking “after appropriate counseling; and” and inserting a period; and

(D) by striking subparagraph (C).

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 5231. INCREASED PENALTIES FOR POSSESSION OF MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS AND MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

(a) SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended—

(1) by striking “5” and inserting “15”;

1 (2) by striking “2” and inserting “5”; and

2 (3) by striking “10” and inserting “20”.

3 (b) CHILD PORNOGRAPHY.—Section 2252A(b)(2) of
4 title 18, United States Code, is amended—

5 (1) by striking “5” and inserting “15”;

6 (2) by striking “2” and inserting “5”; and

7 (3) by striking “10” and inserting “20”.

8 **SEC. 5232. CHILD ABUSE MURDERS.**

9 Section 1111 of title 18, United States Code, is
10 amended—

11 (1) in subsection (a)—

12 (A) by inserting “child abuse,” after “sex-
13 ual abuse,”; and

14 (B) by inserting “or perpetrated as part of
15 a pattern or practice of assault or torture
16 against a child or children under the perpetra-
17 tor’s care or control;” after “robbery;”; and

18 (2) by adding at the end the following:

19 “(c) DEFINITIONS.—In this section—

20 “(1) the term ‘assault’ has the same meaning
21 as in section 113;

22 “(2) the term ‘child’ means a person who is less
23 than 18 years of age;

24 “(3) the term ‘child abuse’ means intentionally,
25 knowingly, or recklessly causing serious bodily injury

1 (as defined in section 1365) to a child under the
 2 perpetrator's care or control;

3 “(4) the term ‘pattern or practice of assault or
 4 torture’ means assault or torture engaged in on not
 5 less than 2 occasions; and

6 “(5) the term ‘torture’ means an act, whether
 7 or not committed under the color of law, that other-
 8 wise satisfies the definition set forth in section
 9 2340(1).”.

10 **SEC. 5233. SENTENCING ENHANCEMENT FOR CRIMES COM-**
 11 **MITTED IN THE PRESENCE OF CHILDREN.**

12 (a) DEFINITIONS.—In this section—

13 (1) the term “crime of violence” has the mean-
 14 ing given the term in section 25 of title 18, United
 15 States Code; and

16 (2) the term “child” means a person who is less
 17 than 15 years of age.

18 (b) DIRECTIVE TO THE UNITED STATES SEN-
 19 TENCING COMMISSION.—Pursuant to its authority under
 20 section 994(p) of title 28, United States Code, and in ac-
 21 cordance with this section, the United States Sentencing
 22 Commission shall review and amend its guidelines and its
 23 policy statements to provide for increased penalties for
 24 persons convicted of crimes of violence that are committed
 25 in the presence of a child.

1 (c) REQUIREMENTS.—In carrying out this section,
2 the Sentencing Commission shall—

3 (1) ensure that the sentencing guidelines and
4 policy statements reflect the serious effects on chil-
5 dren of exposure to violence, especially in the home,
6 and the need for aggressive and appropriate law en-
7 forcement action to prevent such exposure;

8 (2) consider providing an additional sentencing
9 enhancement for persons convicted of offenses de-
10 scribed in subsection (b) in appropriate cir-
11 cumstances;

12 (3) consult with individuals or groups rep-
13 resenting crime victims, victimized and exploited
14 children, victims of domestic violence, the Indian
15 tribal governments, law enforcement, and the Fed-
16 eral judiciary as part of the review described in sub-
17 section (b);

18 (4) ensure reasonable consistency with other
19 relevant directives and with other guidelines;

20 (5) account for any aggravating or mitigating
21 circumstances that might justify exceptions, includ-
22 ing circumstances for which the sentencing guide-
23 lines currently provide sentencing enhancements;

24 (6) make any necessary conforming changes to
25 the sentencing guidelines; and

1 (7) ensure that the guidelines adequately meet
2 the purposes of sentencing as set forth in section
3 3553(a)(2) of title 18, United States Code.

4 (d) EMERGENCY AUTHORITY.—The Commission
5 shall promulgate the guidelines or amendments provided
6 for under this section as soon as practicable in accordance
7 with the procedures set forth in section 21(a) of the Sen-
8 tencing Act of 1987, as though the authority under that
9 Act has not expired.

10 (e) STUDY AND REPORT ON EXPOSURE OF CHIL-
11 DREN TO CRIMES OF VIOLENCE.—Not later than June 1,
12 2000, the United States Sentencing Commission shall sub-
13 mit a report to Congress on issues relating to the exposure
14 of children to crimes of violence. The report shall explain
15 the changes to sentencing policy made by the Sentencing
16 Commission in response to this Act and include any rec-
17 ommendations that the Commission may have for reten-
18 tion or modification of current penalty levels, including
19 statutory penalty levels, and for otherwise combating expo-
20 sure of children to crimes of violence and the serious ef-
21 fects that are associated with such exposure.

22 **SEC. 5234. RIGHTS OF CHILD VICTIMS AND WITNESSES.**

23 (a) DEFINITIONS.—Section 3509(a)(2) of title 18,
24 United States Code, is amended—

1 (1) in subparagraph (A), by striking “of phys-
2 ical abuse, sexual abuse, or exploitation”; and

3 (2) in subparagraph (B), by striking “com-
4 mitted against another person” and inserting “,
5 other than a crime the child committed or to which
6 the child contributed as a codefendant or con-
7 spirator”.

8 (b) ALTERNATIVES TO LIVE IN-COURT TESTI-
9 MONY.—Section 3509(b) of title 18, United States Code,
10 is amended, in each of paragraphs (1)(A) and (2)(A), by
11 inserting “or an offense to which a child is a witness”
12 after “child”.

13 (c) PRIVACY PROTECTION.—Section 3509(d) of title
14 18, United States Code, is amended—

15 (1) in each paragraphs (1), (2), and (3)(A), by
16 inserting “or a person who was a child at the time
17 of the offense” after “child” each place it appears;

18 (2) in paragraph (1)—

19 (A) in subparagraph (A), by inserting “,
20 evidence, or other items” after “documents”
21 each place it appears; and

22 (B) by adding at the end the following:

23 “(C) The requirements of subparagraph (A)
24 shall apply, regardless of whether the person de-
25 scribed in that paragraph continues to act in a ca-

1 pacity described in subparagraph (B) at the time of
2 the disclosure.”;

3 (3) in paragraph (2)—

4 (A) by inserting “, evidence, or other
5 items” after “papers”; and

6 (B) in each of subparagraphs (A) and (B),
7 by inserting “, evidence, or other item” after
8 “paper”;

9 (4) in paragraph (3), by inserting “or a person
10 who was a child at the time of the offense” after
11 “child” the second and third places it appears;

12 (5) in paragraph (4)—

13 (A) by inserting “or a person who was a
14 child at the time of the offense” after “child”
15 the first and third places it appears; and

16 (B) by striking “or an adult attendant”
17 and inserting “an adult attendant, or a victim
18 or witness assistance program”; and

19 (6) by adding at the end the following:

20 “(5) APPLICABILITY TO GRAND JURY PRO-
21 CEEDINGS.—The provisions of this subsection may
22 be applied to proceedings of the grand jury, includ-
23 ing lists of witnesses and exhibits.”.

24 (d) CLOSING THE COURTROOM.—Section 3509(e) of
25 title 18, United States Code, is amended by inserting “or

1 a person who was a child at the time of the offense” after
2 “child” each place it appears.

3 (e) ADULT ATTENDANT.—Section 3509(i) of title 18,
4 United States Code, is amended—

5 (1) in the last sentence, by striking “child at-
6 tendant” and inserting “adult attendant”; and

7 (2) by inserting “, if such testimony or deposi-
8 tion is carried out under subsection (b)” before the
9 period at the end.

10 **SEC. 5235. TECHNICAL CORRECTIONS TO FORFEITURE**
11 **STATUTES FOR SEXUAL EXPLOITATION OF**
12 **MINORS.**

13 (a) CRIMINAL FORFEITURE FOR OFFENSES AGAINST
14 MINORS.—Section 2253(a) of title 18, United States
15 Code, is amended by striking “or 2423” and inserting
16 “2423, or 2425”.

17 (b) CIVIL FORFEITURE FOR OFFENSES AGAINST MI-
18 NORS.—Section 2254(a)(1) of title 18, United States
19 Code, is amended by striking “or 2423” and inserting
20 “2423, or 2425”.

21 (c) CIVIL REMEDY FOR PERSONAL INJURIES RE-
22 SULTING FROM CERTAIN SEX CRIMES AGAINST CHIL-
23 DREN.—Section 2255(a) of title 18, United States Code,
24 is amended by striking “or 2423” and inserting “2423,
25 or 2425”.

1 **SEC. 5236. AMENDMENTS TO VICTIMS OF CRIME ACT OF**
2 **1984.**

3 (a) IN GENERAL.—Section 1404(c) of the Victims of
4 Crime Act of 1984 (42 U.S.C. 10603(c)) is amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A), by striking
7 “and” at the end; and

8 (B) by adding at the end the following:

9 “(C) to assist Federal law enforcement
10 agencies in providing services to victims of non-
11 Federal crime;

12 “(D) for the financial support of services
13 to United States citizens who are victims of
14 crime occurring outside the United States; and

15 “(E) for the establishment of a fellowship
16 or internship program in the Office to utilize
17 the expertise and experience of the victims com-
18 munity to carry out training and technical as-
19 sistance services and special projects authorized
20 by the subchapter.”; and

21 (2) by striking paragraph (2) and inserting the
22 following:

23 “(2) Of the amount available for grants under
24 this subsection—

1 “(A) not more than 50 percent shall be
2 used for grants under subparagraphs (A) and
3 (E) of paragraph (1); and

4 “(B) not less than 50 percent shall be used
5 for grants under subparagraphs (B), (C), and
6 (D) of paragraph (1).”.

7 (b) VICTIMS OF TERRORISM.—Section 1404B of the
8 Victims of Crime Act of 1984 (42 U.S.C. 10603b) is
9 amended to read as follows:

10 **“SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS**
11 **OF TERRORISM OR MASS VIOLENCE.**

12 “The Director may make supplemental grants, as
13 provided in either section 1402(d)(4)(B) or 1404, to
14 States for eligible crime victim compensation and assist-
15 ance programs, and to instrumentalities of the Federal
16 Government, and to organizations or agencies which pro-
17 vide emergency and ongoing assistance to victims of crime,
18 to provide emergency relief (including compensation, as-
19 sistance, and crisis response) and to provide emergency
20 responders with training and technical assistance, for the
21 benefit of—

22 “(1) victims of a terrorist act or mass violence
23 occurring within the United States (as defined in
24 section 2340 of title 18, United States Code); and

25 “(2) individuals—

1 “(A) who are—

2 “(i) citizens of the United States; or

3 “(ii) officers or employees of the Fed-
4 eral Government; and

5 “(B) who—

6 “(i) while outside of the United States
7 are victims of a terrorist act or mass vio-
8 lence; and

9 “(ii) are not eligible for compensation
10 under title VIII of the Omnibus Diplomatic
11 Security and Antiterrorism Act of 1986.”.

12 **SEC. 5237. VICTIMIZATION DATA ON DISABLED PERSONS.**

13 The Crime Victims With Disabilities Awareness Act
14 (42 U.S.C. 3732 note) is amended by striking section 5
15 and inserting the following:

16 **“SEC. 5. NATIONAL CRIME VICTIMIZATION SURVEY.**

17 “Not later than 1 year after completion of the study
18 under section 4, the Bureau of Justice Statistics shall ini-
19 tiate revisions to the National Crime Victimization Survey,
20 following a period of experimentation and pretesting, de-
21 signed to systematically gather data from individuals with
22 developmental disabilities relating to—

23 “(1) the nature of crimes against such individ-
24 uals; and

1 “(2) the specific characteristics of such vic-
2 tims.”.

3 **SEC. 5238. WIRETAPPING AUTHORITY FOR SEX TOURISM**
4 **INVESTIGATIONS.**

5 Section 2516(1)(c) of title 18, United States Code,
6 is amended by inserting “section 2423(b) (relating to trav-
7 el with intent to engage in sexual acts with juveniles),”
8 before “section 1203”.

9 **Subtitle C—Victims Rights**
10 **Amendment**

11 **SEC. 5301. SENSE OF THE SENATE.**

12 (a) FINDINGS.—The Senate finds that—

13 (1) each year in the United States there are
14 9,000,000 victims of violent crime who suffer injury
15 and loss at the hands of violent offenders;

16 (2) the Constitution of the United States pro-
17 vides fundamental rights to defendants in the crimi-
18 nal justice process, including the right to due proc-
19 ess, the right to be informed of the nature and cause
20 of the accusation, the right to a speedy and public
21 trial by an impartial jury, the right to confront wit-
22 nesses, the right to counsel, and the right to be free
23 from the compulsion to self-incrimination;

1 (3) the Constitution of the United States con-
2 tains no specific rights protecting victims in the
3 criminal justice process;

4 (4) the Constitution of the United States does
5 not preserve for crime victims—

6 (A) a right to notice of proceedings related
7 to the crime against them;

8 (B) the right to have their interest in a
9 speedy trial considered;

10 (C) the right to be present and heard at
11 proceedings related to the crime against them,
12 including bail hearings, plea acceptance hear-
13 ings, and sentencing hearings;

14 (D) the right to be informed and have
15 their safety considered when the criminal by
16 whom they were victimized is released or es-
17 capes; or

18 (E) the right to an order that restitution
19 be made by the criminal by whom they were vic-
20 timized; and

21 (5) victims of crime often feel abused by the
22 criminal justice system which frequently does not
23 recognize their rights.

24 (b) SENSE OF THE SENATE.—It is the sense of the
25 Senate that Congress should pass and refer to the States

1 for consideration and ratification an amendment to the
2 Constitution of the United States recognizing and pro-
3 tecting the rights of victims of crime in the criminal justice
4 process.

5 **Subtitle D—Recognition of Victims**
6 **in Sentencing**

7 **SEC. 5401. COMPOSITION OF UNITED STATES SENTENCING**
8 **COMMISSION.**

9 (a) IN GENERAL.—Section 991(a) of title 28, United
10 States Code, is amended by inserting after “same political
11 party.” the following: “Of the members who are not Fed-
12 eral judges, not less than 2 members shall be individuals
13 who are victims of a crime of violence (as that term is
14 defined in section 16 of title 18) or, in the case of a homi-
15 cide, an immediate family member of such a victim.”.

16 (b) APPLICABILITY.—The amendment made by this
17 section shall apply with respect to any appointment made
18 on or after the date of enactment of this Act.

1 **TITLE VI—PRISONS AND JAILS**
 2 **Subtitle A—Violent Offender Incar-**
 3 **ceration and Truth-in-Sen-**
 4 **tencing Incentive Grants**

5 **SEC. 6101. REAUTHORIZATION OF GRANTS.**

6 (a) AUTHORIZATION OF GRANTS.—Section 20102(a)
 7 of the Violent Crime Control and Law Enforcement Act
 8 of 1994 (42 U.S.C. 13702(a)) is amended—

9 (1) in paragraph (2), by striking “and” at the
 10 end;

11 (2) in paragraph (3), by striking the period at
 12 the end and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(4) subject to the requirements of section
 15 20105(f), to open or operate a correctional facility
 16 or jail, including the hiring and training of correc-
 17 tional officers and other correctional facility or jail
 18 personnel.”.

19 (b) SPECIAL RULES.—Section 20105 of the Violent
 20 Crime Control and Law Enforcement Act of 1994 (42
 21 U.S.C. 13705) is amended—

22 (1) in subsection (a)(1), by striking “not more
 23 than 15” and inserting “not less than 20”; and

24 (2) by adding at the end the following:

1 “(f) OPERATING COSTS.—Notwithstanding any other
2 provision of this subtitle, a State (or a unit of local govern-
3 ment located in a State) that otherwise meets the require-
4 ments of section 20103 or 20104, may use amounts re-
5 ceived under this subtitle for the operation of prisons or
6 jails, including the hiring or training of correctional offi-
7 cers or other correctional facility or jail personnel, if the
8 State certifies to the Attorney General that—

9 “(1) the State has met the requirements of sec-
10 tion 20104 for each of the 3 preceding years;

11 “(2) the population of correctional facilities and
12 jails in the State or unit of local government is not
13 less than 10 percent below rated capacity for such
14 facilities;

15 “(3) the State has not, during the preceding 12
16 months, rented prison bed space in another State for
17 the purpose of relieving prison or jail overcrowding;
18 and

19 “(4) the State has implemented, or, within 18
20 months after the initial certification under this sub-
21 section, will implement—

22 “(A) laws, policies, or procedures requiring
23 inmates to pay minimal amounts as a user co-
24 payment for the utilization of prison or jail
25 medical services; and

1 “(B) laws, policies, or procedures, includ-
2 ing the requirement of payment of filing fees, to
3 discourage the filing in State court of frivolous
4 or harassing lawsuits by inmates.”.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
6 20108(a)(1) of the Violent Crime Control and Law En-
7 forcement Act of 1994 (42 U.S.C. 13708(a)(1)) is amend-
8 ed to read as follows:

9 “(1) AUTHORIZATIONS.—There is authorized to
10 be appropriated to carry out this subtitle
11 \$700,000,000 for each of fiscal years 2001 through
12 2005.”.

13 (d) PAYMENTS FOR INCARCERATION ON TRIBAL
14 LANDS.—Section 20109 of the Violent Crime Control and
15 Law Enforcement Act of 1994 (42 U.S.C. 13709) is
16 amended by striking “to carry out this section—” and all
17 that follows before the period at the end and inserting the
18 following: “to carry out this section, an amount equal to
19 the amount to which all Indian tribes that qualify for a
20 grant under this section would collectively be entitled, if
21 such tribes were collectively treated as a State for pur-
22 poses of section 20108(a)(2)”.

23 (e) ELIMINATION OF CERTAIN PAYMENTS.—

1 (1) IN GENERAL.—Subtitle A of title II of Vio-
 2 lent Crime Control and Law Enforcement Act of
 3 1994 (42 U.S.C. 13701 et seq.) is amended—

4 (A) by striking sections 20110 and 20111;
 5 and

6 (B) by redesignating section 20112 as sec-
 7 tion 20110.

8 (2) TECHNICAL AND CONFORMING AMEND-
 9 MENTS.—The table of contents of the Violent Crime
 10 Control and Law Enforcement Act of 1994 is
 11 amended, in the matter relating to subtitle A of title
 12 II—

13 (A) by striking the items relating to sec-
 14 tion 20110 and 20111; and

15 (B) by redesignating the item relating to
 16 section 20112 as an item relating to section
 17 20110.

18 **Subtitle B—Criminal Alien** 19 **Incarceration**

20 **SEC. 6201. SHORT TITLE.**

21 This subtitle may be cited as the “Transfer of Alien
 22 Prisoners Act of 1999”.

23 **SEC. 6202. TRANSFERS OF ALIEN PRISONERS.**

24 (a) IN GENERAL.—Not later than December 31,
 25 2000, the Attorney General shall begin transferring un-

1 documented aliens who are in the United States, incarcerated-
2 ated in a Federal, State, or local prison, whose convictions
3 have become final, to the custody of the government of
4 the alien's country of nationality for service of the dura-
5 tion of the alien's sentence in the alien's country.

6 (b) INAPPLICABILITY TO CERTAIN ALIENS.—This
7 section does not apply to aliens who are nationals of a
8 foreign country that the Secretary of State has determined
9 under section 6(j) of the Export Administration Act of
10 1979 has repeatedly provided support for acts of inter-
11 national terrorism.

12 **SEC. 6203. CONSENT UNNECESSARY.**

13 (a) TREATY RENEGOTIATION.—The Secretary of
14 State shall renegotiate all treaties requiring the consent
15 of an alien who is in the United States, whether present
16 lawfully or unlawfully, who is, or who is about to be, incar-
17 cerated in a Federal, State, or local prison or jail before
18 such person may be transferred to the country of nation-
19 ality of that person to ensure that no such consent is re-
20 quired in any case under any treaty. If the Secretary of
21 State is unable to negotiate with a foreign nation a new
22 treaty that would go into effect by December 31, 2000,
23 that does not require such consent, the Secretary shall
24 withdraw the United States as a party to any existing
25 treaty requiring such consent.

1 (b) GENERAL REPEAL.—Notwithstanding any other
2 provision of law, the consent of an alien covered by this
3 subtitle shall not be required before such alien may be des-
4 ignated for transfer or before such alien may be trans-
5 ferred to the country of nationality of that alien.

6 **SEC. 6204. CERTIFICATION TRANSFER REQUIREMENT.**

7 Not later than March 1 of each year, the President
8 shall submit to Congress a certification as to whether each
9 foreign country has accepted, and has confined for the du-
10 ration of their sentences, the persons described in section
11 6203(a).

12 **SEC. 6205. INTERNATIONAL PRISONER TRANSFER REPORT.**

13 (a) IN GENERAL.—Not later than March 1 of each
14 year, the President shall transmit to the Majority Leader
15 of the Senate, the Speaker of the House of Representa-
16 tives, the Chairmen and Ranking Members of the Com-
17 mittee on the Judiciary and the Committee on Foreign
18 Relations of the Senate and the Committee on the Judici-
19 ary and the Committee on International Relations of the
20 House of Representatives a report that—

21 (1) describes the operation of the provisions of
22 this subtitle; and

23 (2) highlights the effectiveness of those provi-
24 sions with regard to the 10 countries having the
25 greatest number of their nationals incarcerated in

1 the United States, both in transferring such persons
2 from the United States to their country of nation-
3 ality and in confining such persons for the duration
4 of their sentences.

5 (b) CONTENTS OF REPORT.—The report prepared
6 under subsection (a) shall set forth—

7 (1) the number of aliens convicted of a Federal,
8 State, or local criminal offense in the United States,
9 and the types of offenses involved, during the pre-
10 ceding calendar year;

11 (2) the number of aliens described in paragraph
12 (1) who were sentenced to terms of incarceration;

13 (3) the number of aliens described in paragraph
14 (1) who were eligible for transfer pursuant to those
15 provisions;

16 (4) the number of aliens described in paragraph
17 (2) who were transferred pursuant to the provisions
18 of this subtitle;

19 (5) the number, location, length of their period
20 of incarceration in the United States, and present
21 status of aliens described in paragraph (2) who have
22 not yet been transferred to the country of nation-
23 ality;

24 (6) the extent to which each foreign country
25 whose nationals have been convicted of a Federal,

1 State, or local criminal offense in the United States
2 has accepted the transfer of such persons, including
3 the percentage of such persons accepted by each for-
4 eign country;

5 (7) the extent to which each foreign country de-
6 scribed in paragraph (6) has confined such persons
7 for 85 percent of the duration of their sentences, in-
8 cluding the percentage of such persons confined by
9 each foreign country;

10 (8) the extent to which each foreign country de-
11 scribed in paragraph (5) has accomplished (or has
12 failed to accomplish) the goals described in any ap-
13 plicable bilateral or multilateral agreement to which
14 the United States is a party that deals with the sub-
15 ject of the transfer of alien prisoners;

16 (9) for each foreign country described in para-
17 graph (6)—

18 (A) a description of the plans, programs,
19 and timetables adopted by such country to ac-
20 cept its own nationals for crimes committed in
21 the United States;

22 (B) a description of the plans, programs,
23 and timetables adopted by such country for the
24 continued incarceration of its own nationals for
25 crimes committed in the United States;

1 (C) a list of those countries that are nego-
2 tiating in good faith with the United States to
3 establish a mechanism for the transfer, receipt,
4 and continued incarceration of such country's
5 nationals;

6 (D) a list of those countries that have
7 adopted laws or regulations that ensure the
8 transfer, receipt, and incarceration of its na-
9 tionals in accordance with the provisions of this
10 subtitle; and

11 (E) a list of those countries that have
12 adopted laws or regulations that ensure the
13 availability to appropriate United States Gov-
14 ernment personnel of adequate records in con-
15 nection with the transfer, receipt, and continued
16 incarceration of prisoners pursuant to this sub-
17 title;

18 (10) a description of the policies adopted,
19 agreements concluded, and plans and programs im-
20 plemented or proposed by the Federal Government
21 in pursuit of its responsibilities for the prompt
22 transfer of aliens described in subsection (b)(1), as
23 well as for identifying and preventing the re-entry of
24 such persons after their transfer from the United
25 States; and

1 (11) a description of instances of refusals to co-
2 operate with the United States Government regard-
3 ing the transfer of aliens described in subsection
4 (b)(1).

5 **SEC. 6206. ANNUAL REPORTS ON FOREIGN ASSISTANCE.**

6 At the time that the report required by section 634
7 of the Foreign Assistance Act of 1961 is submitted each
8 year, the Secretary of State shall submit a copy of such
9 report to the Chairmen and Ranking Members of the
10 Committees on the Judiciary of the House of Representa-
11 tives and the Senate, the Chairman and Ranking Member
12 of the Committee on Foreign Relations of the Senate, and
13 the Chairman and Ranking Member of the Committee on
14 International Relations of the House of Representatives.

15 **SEC. 6207. ANNUAL CERTIFICATION PROCEDURES.**

16 (a) WITHHOLDING OF BILATERAL ASSISTANCE, OP-
17 POSITION TO MULTILATERAL DEVELOPMENT ASSIST-
18 ANCE, AND WITHHOLDING OF VISAS.—

19 (1) BILATERAL ASSISTANCE.—

20 (A) IN GENERAL.—Fifty percent of the
21 United States assistance allocated each fiscal
22 year for each foreign country shall be withheld
23 from obligation and expenditure to any such
24 country if that country has refused to accept
25 not less than 75 percent of nationals covered by

1 this subtitle and designated for transfer by the
2 Attorney General within either of the 2 imme-
3 diately preceding fiscal years or to confine such
4 transferred persons for not less than 85 percent
5 of their sentence, except as provided in sub-
6 section (b).

7 (B) INAPPLICABILITY TO CERTAIN COUN-
8 TRIES.—This paragraph does not apply with re-
9 spect to a country if the President determines
10 in accordance with subsection (b) that its appli-
11 cation to that country would be contrary to the
12 vital national interests of the United States, ex-
13 cept that any such determination shall not take
14 effect until not less than 30 days after the
15 President submits written notification of that
16 determination to the congressional committees
17 listed in section 6206 in accordance with the
18 procedures applicable to reprogramming notifi-
19 cations under section 634A of the Foreign As-
20 sistance Act of 1961.

21 (C) BILATERAL ASSISTANCE EXEMP-
22 TION.—In this subsection, the term “bilateral
23 assistance” does not include—

24 (i) narcotics-related assistance under
25 the Foreign Assistance Act of 1961;

- 1 (ii) disaster relief assistance;
- 2 (iii) assistance that involves the provi-
- 3 sion of food (including monetization of
- 4 food) or medicine; or
- 5 (iv) assistance for refugees.

6 (2) MULTILATERAL ASSISTANCE.—

7 (A) IN GENERAL.—The Secretary of the
8 Treasury may instruct the United States Exec-
9utive Directors of each multilateral development
10 bank to vote against any loan or other utiliza-
11tion of the funds of such bank or institution for
12the benefit of any country if that country has
13refused to accept not less than 75 percent of its
14nationals covered by this subtitle and des-
15ignated for transfer by the Attorney General or
16to confine such transferred persons for not less
17than 85 percent of their sentences within either
18of the 2 immediately preceding fiscal years, ex-
19cept as provided in subsection (b).

20 (B) DEFINITION OF MULTILATERAL DE-
21VELOPMENT BANK.—In this paragraph, the
22term “multilateral development bank” means
23the International Bank for Reconstruction and
24Development, the International Development
25Association, the Inter-American Development

1 Bank, the Asian Development Bank, the Afri-
2 can Development Bank, and the European
3 Bank for Reconstruction and Development.

4 (3) VISAS.—All visas shall be denied to nation-
5 als employed by the government of any foreign coun-
6 try if that country has refused to accept not fewer
7 than 75 percent of its nationals covered by this sub-
8 title and designated for transfer by the Attorney
9 General within either of the 2 immediately preceding
10 fiscal years or to confine such transferred persons
11 for not less than 85 percent of their sentences, ex-
12 cept as provided in subsection (b), except that the
13 President or the Secretary of State nonetheless may
14 grant visas to heads of state, certified diplomats, or
15 members of a foreign country's mission to the
16 United Nations.

17 (b) CERTIFICATION PROCEDURES.—

18 (1) WHAT MUST BE CERTIFIED.—Subject to
19 subsection (d), the assistance withheld from a coun-
20 try pursuant to subsection (a)(1) may be obligated
21 and expended, the requirement of subsection (a)(2)
22 to vote against multilateral development bank assist-
23 ance to a country shall not apply, and the with-
24 holding of visas from nationals of a country of sub-
25 section (a)(3) shall not apply, if the President deter-

1 mines and certifies to Congress, at the time of the
2 submission of the report required by section 6205,
3 that—

4 (A) during the previous year the country
5 has cooperated fully with the United States, or
6 has taken adequate steps on its own, to achieve
7 full compliance with the goals and objectives es-
8 tablished by this subtitle, except that the Presi-
9 dent may make such a finding only once during
10 any 5-year period;

11 (B) for a country that would not otherwise
12 qualify for certification under subparagraph
13 (A), the vital national interests of the United
14 States require that the assistance withheld pur-
15 suant to subsection (a)(1) be provided, that the
16 United States not vote against multilateral de-
17 velopment bank assistance for that country pur-
18 suant to subsection (a)(2), and that visas not
19 be withheld pursuant to subsection (a)(3); or

20 (C) only in the case of multilateral develop-
21 ment bank assistance, such assistance is di-
22 rected specifically to programs that provide, or
23 support a foreign country's ability itself to pro-
24 vide, food, water, clothing, shelter, and medical
25 care of that country.

1 (2) CONSIDERATIONS REGARDING COOPERA-
2 TION.—In making the determinations described in
3 subsection (b)(1), the President shall consider the
4 extent to which the country has—

5 (A) met the goals and objectives of this
6 subtitle;

7 (B) accomplished the goals described in an
8 applicable bilateral agreement with the United
9 States or a multilateral agreement to implement
10 the provisions and purposes of this subtitle; and

11 (C) taken domestic legal and law enforce-
12 ment measures to implement the provisions and
13 purposes of this subtitle;

14 (3) CASE-BY-CASE WAIVER AUTHORITY.—

15 (A) AUTHORITY.—The President or the
16 Secretary of State may, on a case-by-case basis,
17 allow an alien subject to transfer under section
18 6202 to remain in the custody of the Attorney
19 General if the President or Secretary of State
20 determines that doing so is necessary to serve
21 the vital interests of the United States or to
22 protect the life or health of the citizen or na-
23 tional. It is the sense of Congress that such
24 case-by-case determinations rarely should be
25 made.

1 (B) NONDELEGATION OF AUTHORITY.—

2 The authority to make a determination under
3 subparagraph (A) may not be delegated.

4 (4) INFORMATION TO BE INCLUDED IN NA-
5 TIONAL INTEREST CERTIFICATION.—If the President
6 makes a certification with respect to a country pur-
7 suant to subsection (b)(1), the President shall in-
8 clude in such certification—

9 (A) a full and complete description of the
10 vital national interests placed at risk if United
11 States bilateral assistance to that country is
12 terminated pursuant to this section, multilateral
13 development bank assistance is not provided to
14 such country, and visas are not issued to the
15 nationals of such country; and

16 (B) a statement weighing the risk de-
17 scribed in subparagraph (A) against the risks
18 posed to the vital national interests of the
19 United States by the failure of such country to
20 cooperate fully with the United States in imple-
21 menting the provisions and purposes of this
22 subtitle.

23 (c) CONGRESSIONAL REVIEW.—Subsection (d) shall
24 apply if, not later than 30 calendar days after receipt of
25 a certification submitted under subsection (b) at the time

1 of submission of the report required by this subtitle, Con-
2 gress enacts a joint resolution disapproving the determina-
3 tion of the President contained in such certification.

4 (d) DENIAL OF ASSISTANCE FOR COUNTRIES DECER-
5 TIFIED.—If the President does not make a certification
6 under subsection (b) with respect to a country or Congress
7 enacts a joint resolution disapproving such certification,
8 then until such time as the conditions specified in sub-
9 section (e) are satisfied—

10 (1) funds may not be obligated for United
11 States assistance for that government, and funds
12 previously appropriated, but unobligated, for United
13 States assistance for that government may not be
14 expended for the purpose of providing assistance for
15 that government;

16 (2) the requirement to vote against multilateral
17 development bank assistance pursuant to subsection
18 (a)(2) shall apply with respect to that country, with-
19 out regard to the date specified in that subsection;
20 and

21 (3) no visas may be issued to nationals of that
22 country, and no visas already issued shall be held
23 valid by the Department of State, the Immigration
24 and Naturalization Service, or any other department
25 or agency of the Federal Government.

1 (e) RECERTIFICATION.—Subsection (d) shall apply to
2 a country described in that subsection until—

3 (1) the President, at the time of submission of
4 the report required by this subtitle, makes a certifi-
5 cation under subsection (b)(1)(A) or (b)(1)(B) with
6 respect to that country, and Congress does not enact
7 a joint resolution under subsection (c) disapproving
8 the determination of the President contained in that
9 certification; or

10 (2) the President, at any other time, makes the
11 certification described in subsection (b)(1)(A) or
12 subsection (b)(1)(B) with respect to that country,
13 except that this paragraph applies only if either—

14 (A) the President also certifies that—

15 (i) that country has undergone a fun-
16 damental change in government, or

17 (ii) there has been a fundamental
18 change in the conditions that were the
19 reasons—

20 (I) why the President had not
21 made a certification with respect to
22 that country under subparagraph (A)
23 or (B) of subsection (b)(1); or

24 (II) if the defendant had made
25 such a certification and Congress en-

1 acted a joint resolution disapproving
2 the determination contained in the
3 certification, why Congress enacted
4 that joint resolution; or

5 (B) Congress enacts a joint resolution ap-
6 proving the determination contained in the cer-
7 tification under subparagraph (A) or (B) of
8 subsection (b)(1).

9 Any certification under paragraph (2)(A) shall discuss the
10 justification for the certification.

11 (f) SENATE PROCEDURES.—Any joint resolution
12 under this section shall be considered in the Senate in ac-
13 cordance with the provisions of section 601(b) of the Inter-
14 national Security Assistance and Arms Export Control Act
15 of 1976.

16 **SEC. 6208. PRISONER TRANSFERS TREATIES.**

17 (a) NEGOTIATION.—The Secretary of State shall
18 begin to negotiate and renegotiate, not later than 90 days
19 after the date of enactment of this Act, bilateral prisoner
20 transfer treaties. The focus of such negotiations should
21 be—

22 (1) to expedite the transfer of aliens unlawfully
23 in the United States who are (or are about to be)
24 incarcerated in United States prisons;

1 (2) to ensure that a transferred prisoner serves
2 the balance of the sentence imposed by the United
3 States courts; and

4 (3) to allow the Federal Government or the
5 States to maintain their original prison sentences in
6 effect so that transferred prisoners who return to
7 the United States prior to the completion of their
8 original United States sentences can be returned to
9 custody for the balance of their prison sentences.

10 (b) CERTIFICATION.—The President shall submit to
11 Congress, annually, a certification as to whether each pris-
12 oner transfer treaty in force is effective in returning aliens
13 unlawfully in the United States who have committed of-
14 fenses for which they are incarcerated in the United States
15 to their country of nationality for further incarceration.

16 **SEC. 6209. JUDGMENTS UNAFFECTED.**

17 Nothing in this subtitle may construed to nullify or
18 reduce the effect of a judgment of conviction and sentence
19 entered by a Federal, State, or local court in the United
20 States.

21 **SEC. 6210. UNITED STATES ASSISTANCE DEFINED.**

22 In this subtitle, the term “United States assistance”
23 means any assistance under the Foreign Assistance Act
24 of 1961.

1 **SEC. 6211. REPEALS.**

2 (a) The first sentence in section 4100(a) of title 18,
3 United States Code, is repealed.

4 (b) The first, third, fourth, fifth, and sixth sentences
5 in section 4100(b) of title 18, United States Code, are re-
6 pealed.

7 (c) Subsection (c) of section 4100 of title 18, United
8 States Code is repealed.

9 (d) Subsection (d) of section 4100(a) of title 18,
10 United States Code, is redesignated as subsection (c).

11 (e) Section 330(a)(2) of the Illegal Immigration Re-
12 form and Immigrant Responsibility Act of 1996 (Public
13 Law 104–208; 110 Stat. 1704) is amended by inserting
14 “during fiscal years 1997 and 1998,” after “compensa-
15 tion,”.

16 (f) Section 330(c) of the Illegal Immigration Reform
17 and Immigrant Responsibility Act of 1996 (Public Law
18 104–208; 110 Stat. 1704) is amended by striking “, ex-
19 cept as required by treaty,”.

20 (g) Section 332 of the Illegal Immigration Reform
21 and Immigrant Responsibility Act of 1996 (Public Law
22 104–208; 110 Stat. 1712) is repealed.

1 **Subtitle C—Drug-Free Prisons and**
2 **Jails**

3 **SEC. 6301. DRUG-FREE PRISONS AND JAILS INCENTIVE**
4 **GRANTS.**

5 (a) IN GENERAL.—Subtitle A of title II of the Violent
6 Crime Control and Law Enforcement Act of 1994 (42
7 U.S.C. 13701 et seq.), as amended by section 6101(e) of
8 this title, is amended—

9 (1) by redesignating section 20110 as section
10 20111; and

11 (2) by inserting after section 20109 the fol-
12 lowing:

13 **“SEC. 20110. DRUG-FREE PRISONS AND JAILS BONUS**
14 **GRANTS.**

15 “(a) IN GENERAL.—The Attorney General shall
16 make incentive grants in accordance with this section to
17 eligible States and Indian tribes, in order to encourage the
18 establishment and maintenance of drug-free prisons and
19 jails.

20 “(b) RESERVATION OF FUNDS.—Notwithstanding
21 any other provision of this subtitle, in each fiscal year,
22 before making the allocations under sections 20106 and
23 20108(a)(2) or the reservation under section 20109, the
24 Attorney General shall reserve 10 percent of the amount

1 made available to carry out this subtitle for grants under
2 this section.

3 “(c) ELIGIBILITY.—

4 “(1) IN GENERAL.—To be eligible to receive a
5 grant under this section, a State or Indian tribe
6 shall demonstrate to the Attorney General that the
7 State or Indian tribe—

8 “(A) meets the requirements of section
9 20103; and

10 “(B) has established, or, within 18 months
11 after the initial submission of an application
12 this section will implement, a program or policy
13 of drug-free prisons and jails for correctional
14 and detention facilities, including juvenile facili-
15 ties, in its jurisdiction.

16 “(2) CONTENTS OF PROGRAM OR POLICY.—The
17 drug-free prisons and jails program or policy under
18 paragraph (1)(B)—

19 “(A) shall include—

20 “(i) a zero-tolerance policy for drug
21 use or presence in State facilities, includ-
22 ing routine sweeps and inspections for
23 drugs, routine drug tests, and improved
24 screening for drugs and other contraband
25 of prison visitors and prisoner mail;

1 “(ii) establishment and enforcement
2 of penalties, including prison disciplinary
3 actions and criminal prosecution for the in-
4 troduction, possession, or use of drugs in
5 any prison or jail;

6 “(iii) the implementation of residen-
7 tial drug treatment programs; and

8 “(iv) drug testing of all inmates upon
9 intake and upon release from incarcer-
10 ation; and

11 “(B) may include a system of incentives
12 for prisoners to participate in counter-drug pro-
13 grams such as drug treatment and drug-free
14 wings with greater privileges, except that incen-
15 tives under this paragraph may not include the
16 early release of any prisoner convicted of a
17 crime of violence.

18 “(d) APPLICATION.—In order to be eligible to receive
19 a grant under this section, a State or Indian tribe shall
20 submit to the Attorney General an application, in such
21 form and containing such information, including rates of
22 positive drug tests among inmates upon intake and release
23 from incarceration, as the Attorney General may reason-
24 ably require.

1 “(e) USE OF FUNDS.—Amounts received by a State
2 or Indian tribe from a grant under this section may be
3 used—

4 “(1) to implement the program under sub-
5 section (c)(2); or

6 “(2) for any other purpose permitted by this
7 subtitle.

8 “(f) ALLOCATION OF FUNDS.—

9 “(1) IN GENERAL.—Grants awarded under this
10 section shall be in addition to any other grants a
11 State or Indian tribe may be eligible to receive under
12 this subtitle or under part S of title I of the Omni-
13 bus Crime Control and Safe Streets Act of 1968 (42
14 U.S.C. 3796ff et seq.).

15 “(2) ALLOCATION.—Amounts reserved for
16 grants pursuant to subsection (b) shall be allocated
17 and distributed to eligible States and Indian tribes
18 in the same manner as Truth-in-Sentencing Incen-
19 tive Grants under section 20104 are allocated and
20 distributed under section 20106(b).”.

21 **SEC. 6302. ELIMINATION OF SENTENCING INEQUITIES AND**

22 **AFTERCARE FOR FEDERAL INMATES.**

23 Section 3621 of title 18, United States Code, is
24 amended—

1 (1) in subsection (b), by striking the last sen-
 2 tence and inserting “The Bureau shall endeavor to
 3 make available appropriate substance abuse treat-
 4 ment or each prisoner who is determined by the Bu-
 5 reau to have a treatable drug abuse problem, with
 6 a priority to be given to younger offenders and those
 7 who would benefit most from the treatment.”; and

8 (2) in subsection (e), by striking paragraphs
 9 (1), (2), and (5), and redesignating paragraphs (3),
 10 (4), and (6), as paragraphs (1), (2), and (3), respec-
 11 tively.

12 **SEC. 6303. PRISON COMMUNICATIONS.**

13 (a) COMMUNICATIONS ASSISTANCE FOR LAW EN-
 14 FORCEMENT.—Section 2522 of title 18, United States
 15 Code, is amended by adding at the end the following:

16 “(e) EXEMPTION.—

17 “(1) IN GENERAL.—This chapter and chapter
 18 121 do not apply with respect to the interception by
 19 a law enforcement officer of any wire, oral, or elec-
 20 tronic communication, or the use of a pen register,
 21 a trap and trace device, or a clone pager, if—

22 “(A) in the case of any wire, oral, or elec-
 23 tronic communication, at least one of the par-
 24 ties to the communication is, an inmate or de-
 25 tainee in the custody of the Attorney General of

1 the United States or is in the custody of a
2 State or political subdivision thereof; or

3 “(B) in the case of a pen register, a trap
4 and trace device, or a clone pager, the facility
5 is regularly used by, an inmate or detainee in
6 the custody of the Attorney General of the
7 United States or is in the custody of a State or
8 political subdivision thereof.

9 “(2) STATE DEFINED.—In this subsection, the
10 term ‘State’ means each of the several States of the
11 United States, the District of Columbia, and the ter-
12 ritories and possessions of the United States.

13 “(f) REGULATIONS.—The Attorney General shall
14 promulgate regulations governing interceptions described
15 in subsection (e) of this section and interceptions de-
16 scribed in section 2511(i), in order to protect communica-
17 tions protected by the attorney-client privilege and the
18 right to counsel guaranteed by the sixth amendment to
19 Constitution of the United States.”.

20 (b) DEMANDS FOR PRODUCTION OF CERTAIN STATE-
21 MENTS AND REPORTS.—Section 3500(e)(2) of title 18,
22 United States Code, is amended by inserting before the
23 semicolon the following: “, except any such statement re-
24 corded from a telephone in a Federal, State, or local cor-
25 rectional or detention facility, unless the defendant shows

1 the substantial likelihood that the statement will lead to
2 admissible evidence”.

3 (c) AUTHORITY TO MONITOR PRISON COMMUNICA-
4 TIONS.—Section 2511(2) of title 18, United States Code,
5 is amended by adding at the end the following:

6 “(i) AUTHORITY TO MONITOR PRISON COMMUNICA-
7 TIONS.—Nothing in this chapter or any other provision
8 of law may be construed to prohibit the routine recording
9 or monitoring by officers of any Federal, State, or local
10 correctional or detention facility of any electronic commu-
11 nication, 1 of the parties to which is an inmate or detainee
12 in such facility.”.

13 (d) PROVIDING CONTRABAND TO AN INDIVIDUAL IN
14 CUSTODY OF THE BUREAU OF PRISONS OR THE ATTOR-
15 NEY GENERAL.—Section 1791 of title 18, United States
16 Code, is amended—

17 (1) in subsection (a), in each of paragraphs (1)
18 and (2), by striking “inmate of a prison” and insert-
19 ing “individual in the custody of the Bureau of Pris-
20 ons or the Attorney General, or confined in any in-
21 stitution or facility by direction of the Attorney Gen-
22 eral”; and

23 (2) in subsection (d)—

24 (A) in paragraph (2), by adding “and” at
25 the end;

1 (B) in paragraph (3), by striking “; and”
 2 and inserting a period; and

3 (C) by striking paragraph (4).

4 **Subtitle D—Prison Work**

5 **SEC. 6401. SHORT TITLE.**

6 This subtitle may be cited as the “Prison Work Act
 7 of 1999”.

8 **SEC. 6402. FEDERAL PRISONER WORK REQUIREMENT.**

9 (a) IN GENERAL.—Chapter 303 of title 18, United
 10 States Code, is amended by adding at the end the fol-
 11 lowing:

12 **“§ 4048. Prisoner work requirement**

13 “(a) IN GENERAL.—Subject to subsection (b), the
 14 Director of the Bureau of Prisons shall ensure that each
 15 convicted inmate in the custody of the Attorney General
 16 and confined in any Federal prison, correctional facility,
 17 jail, or other facility shall be engaged in work. The type
 18 of work that a particular inmate shall be engaged in shall
 19 be determined on the basis of appropriate security and dis-
 20 ciplinary considerations and by the health of the inmate.

21 “(b) EXCUSE.—An inmate described in subsection
 22 (a) may be excused from the requirement of subsection
 23 (a) in whole or in part, only as necessitated by—

24 “(1) security considerations;

25 “(2) disciplinary action;

1 “(3) medical certification of disability, such as
2 would make it impractical for prison officials to ar-
3 range useful work for the inmate to perform; or

4 “(4) a need for the inmate to work less than a
5 full work schedule in order to participate in literacy
6 training, drug rehabilitation, or other similar pro-
7 gram in addition to performing work.

8 “(c) NO COMPENSATION.—Nothing in this section
9 shall be construed to entitle any inmate to any wage, com-
10 pensation, or benefit, or be construed to provide a cause
11 of action by or on behalf of any person against the United
12 States or any officer, employee, or contractor thereof.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—
14 The analysis for chapter 303 of title 18, United States
15 Code, is amended by adding at the end the following:

“4048. Prisoner work requirement.”.

16 **SEC. 6403. PURCHASES FROM FEDERAL PRISON INDUS-**
17 **TRIES.**

18 (a) IN GENERAL.—Section 4124 of title 18, United
19 States Code, is amended by striking subsections (a) and
20 (b) and inserting the following:

21 “(a) A Federal agency that has a requirement for a
22 specific product listed in the current edition of the catalog
23 required by subsection (d) shall—

24 “(1) provide a copy of the notice required by
25 section 18 of the Office of Federal Procurement Pol-

1 1cy Act (41 U.S.C. 416) to Federal Prison Indus-
 2 tries not less than 15 days before the issuance of a
 3 solicitation of offers for the procurement of such
 4 product;

5 “(2) use competitive procedures for the procure-
 6 ment of that product, unless—

7 “(A) the head of the agency justifies the
 8 use of procedures other than competitive proce-
 9 dures in accordance with section 2304(f) of title
 10 10 or section 303(f) of the Federal Property
 11 and Administrative Services Act of 1949 (41
 12 U.S.C. 253(f)); or

13 “(B) the Attorney General makes the de-
 14 termination described in subsection (b)(1) not
 15 later than 15 days after receiving a notice of
 16 the requirement pursuant to paragraph (1); and

17 “(3) consider a timely offer from Federal Pris-
 18 on Industries for award in accordance with the spec-
 19 ifications and evaluation factors specified in the so-
 20 licitation.

21 “(b) A Federal agency that has a requirement for a
 22 product referred to in subsection (a) shall—

23 “(1) on a noncompetitive basis, negotiate a con-
 24 tract with Federal Prison Industries for the pur-
 25 chase of the product if the Attorney General person-

1 ally determines, within the period described in sub-
2 section (a)(2)(B), that—

3 “(A) it is not reasonable to expect that
4 Federal Prison Industries would be selected for
5 award of the contract on a competitive basis;
6 and

7 “(B) it is necessary to award the contract
8 to Federal Prison Industries in order—

9 “(i) to maintain work opportunities
10 that are essential to the safety and effec-
11 tive administration of the penal facility at
12 which the contract would be performed; or

13 “(ii) to permit diversification into the
14 manufacture of a new product that has
15 been approved for sale by the Federal Pris-
16 on Industries board of directors in accord-
17 ance with this chapter; and

18 “(2) award the contract to Federal Prison In-
19 dustries if the contracting officer determines that
20 Federal Prison Industries can meet the requirements
21 of the agency with respect to the product in a timely
22 manner and at a fair and reasonable price.”.

23 (b) LIMITATION ON NEW PRODUCTS AND EXPAN-
24 SION OF PRODUCTION.—Section 4122(b) of title 18,
25 United States Code, is amended—

1 (1) by redesignating paragraphs (4), (5), and
2 (6) as paragraphs (5), (6), and (7), respectively;

3 (2) by inserting after paragraph (3) the fol-
4 lowing:

5 “(4) Federal Prison Industries shall, to the maximum
6 extent practicable, concentrate any effort to produce a new
7 product or to expand significantly the production of an
8 existing product on products that are otherwise produced
9 with non-United States labor.”; and

10 (3) in paragraph (6), as redesignated, by strik-
11 ing “paragraph (4)(B)” and inserting “paragraph
12 (5)(B)”.

13 (c) MODIFICATION OF PROHIBITION ON SALES OF
14 PRISONER-MADE PRODUCTS.—Section 1761 of title 18,
15 United States Code, is amended by striking subsections
16 (b) through (d) and inserting the following:

17 “(b)(1) This section does not apply to goods, wares,
18 or merchandise manufactured or produced, or services
19 provided, by inmates at an industry—

20 “(A) provided by Federal Prison Industries (un-
21 less the Attorney General has exercised his or her
22 authority with respect to that product pursuant to
23 section 4124(b)); or

24 “(B) provided by a State, unless—

1 “(i) the industry is operated by a person
2 other than the State; and

3 “(ii) after September 30, 2008, the State
4 does not have in effect any requirement that
5 the departments and agencies of the State pur-
6 chase a portion of their requirements for such
7 goods, wares, merchandise, or services provided
8 by products produced by inmates at that indus-
9 try.

10 “(2) In this subsection, the term ‘State’ means a
11 State of the United States and any commonwealth, terri-
12 tory, or possession of the United States.”.

13 (d) STUDY OF FOREIGN-MADE GOODS.—The Direc-
14 tor of the Bureau of Labor Statistics shall make an initial
15 determination of those goods (described by Standard In-
16 dustrial Product Code published by the Office of Manage-
17 ment and Budget) of which 95 percent or more of the
18 amount sold in the United States are fabricated in a for-
19 eign place. The Director shall report that determination
20 to Congress, not later than 180 days after the date of en-
21 actment of this Act.

22 (e) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect 180 days after the date of
24 enactment of this Act.

1 **SEC. 6404. PRISONER COMMUNITY SERVICE PROJECTS.**

2 (a) IN GENERAL.—Chapter 303 of title 18, United
3 States Code, as amended by section 6402(a) of this sub-
4 title, is amended by adding at the end the following:

5 **“§ 4049. Community service projects**

6 “(a) Subject to the limitations of this section, and
7 pursuant to rules prescribed by the Attorney General, the
8 chief executive officer of a Federal penal or correctional
9 facility may, as part of an inmate work program, provide
10 products or services, free of charge or at minimal cost,
11 to private, nonprofit organizations (as defined in section
12 501(c)(3) of the Internal Revenue Code of 1986) or to
13 a component of any State government or political subdivi-
14 sion thereof.

15 “(b) Products provided under subsection (a) shall be
16 constructed in substantial part through the use of scrap
17 or waste materials that constitute excess property, as de-
18 fined in section 3(e) of the Federal Property and Adminis-
19 trative Services Act of 1949 (40 U.S.C. 472(e)). Such
20 products shall not be resold by the recipient.

21 “(c) Services provided under subsection (a)—

22 “(1) shall be used only for the benefit of the re-
23 cipient entity and not for the benefit of any indi-
24 vidual or organization other than the recipient; and

25 “(2) shall not displace an employee of the re-
26 cipient or result in a reduction in hours, wages, or

1 employment benefits of any employee of the recipi-
 2 ent.

3 “(d) No goods or services may be provided under this
 4 section by a Federal penal or correctional facility, if the
 5 provision of those goods or services would reduce the num-
 6 ber of inmates employed at any Federal Prison Industries
 7 operations at that facility. Nothing this section shall be
 8 construed to increase or otherwise affect the powers of
 9 Federal Prison Industries.”.

10 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) CHAPTER ANALYSIS.—The analysis for
 12 chapter 303 of title 18, United States Code, as
 13 amended by section 6402(b) of this subtitle, is
 14 amended by adding at the end the following:

“4049. Community service projects.”.

15 (2) FEDERAL PROPERTY AND ADMINISTRATIVE
 16 SERVICES ACT AMENDMENT.—The second undesig-
 17 nated paragraph of section 602(d) of the Federal
 18 Property and Administrative Services Act of 1949
 19 (40 U.S.C. 474), is amended—

20 (A) in paragraph (20), by striking “or” at
 21 the end;

22 (B) in paragraph (21), by striking the pe-
 23 riod at the end of and inserting a semicolon;
 24 and

1 (C) by inserting after paragraph (21) the
 2 following:

3 “(22) the Federal Bureau of Prisons, with re-
 4 spect to the disposal of property used to produce
 5 those products described in section 4049 of title 18,
 6 United States Code.”.

7 (3) EXCEPTION TO PROHIBITION ON SHIPMENT
 8 OF GOODS.—Section 1761(b) of title 18, United
 9 States Code, is amended by striking the period at
 10 the end and inserting “, nor to products provided
 11 pursuant to section 4049 of this title.”.

12 **Subtitle E—Federal Incarceration** 13 **Improvement**

14 **SEC. 6501. SHORT TITLE.**

15 This subtitle may be cited as the “Federal Incarcer-
 16 ation Improvement Act”.

17 **SEC. 6502. REPORT ON FEDERAL PRISON OVERCROWDING.**

18 (a) IN GENERAL.—Not later than 180 days after the
 19 date of enactment of this Act, the Attorney General shall
 20 submit to the Committees on the Judiciary of the Senate
 21 and the House of Representatives and the Committees on
 22 Appropriations of the Senate and the House of Represent-
 23 atives a report on overcrowding in the Federal prison sys-
 24 tem.

1 (b) CONTENTS OF REPORT.—The report submitted
2 under subsection (a) shall include—

3 (1) 10-year projections for the population of the
4 Federal prison system; and

5 (2) specific recommendations on prison space
6 needs, including—

7 (A) potential sites for new Federal prisons;

8 (B) cost estimates for the construction of
9 additional Federal prison space; and

10 (C) specific timetables for the construction
11 of additional Federal prison space.

12 **SEC. 6503. EARNED RELEASE CREDIT OR GOOD TIME CRED-**
13 **IT REVOCATION.**

14 (a) TRANSFER AND REDESIGNATION.—The second
15 section designated as section 1932 of title 28, United
16 States Code (relating to revocation of earned release cred-
17 it), is—

18 (1) redesignated as section 3624A of title 18,
19 United States Code;

20 (2) transferred to chapter 229 of title 18,
21 United States Code; and

22 (3) inserted after section 3624 of title 18,
23 United States Code.

1 (b) TRANSMISSION OF FINDING.—Section 3624A of
 2 title 18, United States Code, as redesignated by subsection
 3 (a) of this section, is amended—

4 (1) by striking “In any” and inserting the fol-
 5 lowing:

6 “(a) FINDING.—In any”;

7 (2) by striking “an adult” and inserting “a per-
 8 son”;

9 (3) by striking “order the revocation” and all
 10 that follows through “finds that—” and inserting “,
 11 on its own motion or the motion of any adverse
 12 party, make a finding regarding whether—”;

13 (4) in paragraph (2), by striking “solely”;

14 (5) in paragraph (3)—

15 (A) by striking “testifies” and inserting
 16 “testified”; and

17 (B) by striking “presents false evidence”
 18 and inserting “presented false allegations,
 19 pleadings, evidence, or”; and

20 (6) by adding at the end the following:

21 “(b) TRANSMISSION OF FINDING.—If the court
 22 makes any affirmative finding under paragraph (1), (2),
 23 or (3) of subsection (a)—

24 “(1) the court shall transmit to the Bureau of
 25 Prisons that affirmative finding; and

1 “(2) upon receipt of an affirmative finding
 2 transmitted under paragraph (1), the Bureau of
 3 Prisons shall revoke the amount of unvested good
 4 time credit or the institutional equivalent accrued to
 5 the prisoner pursuant to section 3264 as is deter-
 6 mined to be appropriate by the Director of the Bu-
 7 reau of Prisons.”.

8 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) TITLE 28.—The analysis for chapter 123 of
 10 title 28, United States Code, is amended by striking
 11 the second item relating to section 1932 (relating to
 12 revocation of earned release credit).

13 (2) TITLE 18.—The analysis for chapter 229 of
 14 title 18, United States Code, is amended by insert-
 15 ing after the item relating to section 3624 the fol-
 16 lowing:

“3624A. Revocation of earned release credit.”.

17 (d) RELEASE OF PRISONER.—Section 3624(b) of
 18 title 18, United States Code, is amended—

19 (1) in paragraph (1), by striking the fourth
 20 sentence and inserting the following: “Credit that
 21 has not been earned may not later be granted, and
 22 credit that has been revoked pursuant to section
 23 3624A may not later be reinstated.”; and

24 (2) in paragraph (2), by inserting “, and may
 25 be revoked by the Bureau of Prisons for noncompli-

1 ance with institutional disciplinary regulations at
2 any time before vesting” before the period at the
3 end.

4 **SEC. 6504. IMPLEMENTATION OF A FEDERAL SENTENCE OF**
5 **DEATH.**

6 (a) IN GENERAL.—Section 3596(a) of title 18,
7 United States Code, is amended—

8 (1) by striking “pursuant to this chapter”; and

9 (2) by striking “in the manner” and all that
10 follows before the period at the end of the subsection
11 and inserting “pursuant to regulations promulgated
12 by the Attorney General”.

13 (b) REGULATIONS.—Not later than 6 months after
14 the date of enactment of this Act, the Attorney General
15 shall promulgate regulations to provide for the implemen-
16 tation of a sentence of death under section 3596 of title
17 18, United States Code, as amended by this section.

18 (c) FACILITIES.—

19 (1) IN GENERAL.—Section 3597 of title 18,
20 United States Code, is amended to read as follows:

21 **“§ 3597. Facilities for the implementation of a sen-**
22 **tence of death**

23 “(a) IN GENERAL.—A United States marshal
24 charged with supervising the implementation of a sentence

1 of death shall use appropriate Federal facilities for that
2 purpose.

3 “(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELI-
4 GIOUS GROUNDS.—

5 “(1) IN GENERAL.—No employee of the De-
6 partment of Justice, the Federal Bureau of Prisons,
7 or the United States Marshals Service, or any em-
8 ployee providing services to that department, bureau,
9 or service under contract, shall be required, as a
10 condition of that employment or contractual obliga-
11 tion, to be in attendance at or to participate in any
12 prosecution or execution under this section if that
13 participation is contrary to the moral or religious
14 convictions of the employee.

15 “(2) PARTICIPATION DEFINED.—In this sub-
16 section, the term ‘participation’ includes personal
17 preparation of the condemned individual and the ap-
18 paratus used for execution and supervision of the ac-
19 tivities of other personnel in carrying out those ac-
20 tivities.”.

21 (2) CHAPTER ANALYSIS.—The analysis for
22 chapter 228 of title 18, United States Code, is
23 amended by striking the item relating to section
24 3597 and inserting the following:

“3597. Facilities for the implementation of a sentence of death.”.

1 **SEC. 6505. PRISON AMENITIES.**

2 (a) IN GENERAL.—Chapter 303 of title 18, United
3 States Code, as amended by subtitle D of this title, is
4 amended by adding at the end the following:

5 **“§ 4050. Certain amenities for prisoners prohibited**

6 “(a) IN GENERAL.—Except as provided in subsection
7 (b), the Bureau of Prisons shall ensure that no prisoner
8 or detainee under its jurisdiction—

9 “(1) engages in any physical activity designed
10 to increase or enhance the fighting ability of the
11 prisoner or detainee;

12 “(2) engages in any physical activity designed
13 to increase the physical strength of such prisoner or
14 detainee; or

15 “(3) is permitted—

16 “(A) access to in-cell television viewing, ex-
17 cept for prisoners segregated from the general
18 prison population for their own safety;

19 “(B) access to the viewing of any movie or
20 film, through whatever medium presented, that
21 has been given a Motion Picture Association of
22 America rating of NC–17, R, or X;

23 “(C) possession of any in-cell coffee pot,
24 hot plate, or other heating element;

25 “(D) access to any pornographic or other
26 sexually explicit printed material;

1 “(E) access to any bodybuilding or
2 weightlifting equipment; or

3 “(F) use or possession of any electric or
4 electronic musical equipment.

5 “(b) EXCEPTION FOR CERTAIN PRISONERS.—The
6 Director of the Bureau of Prisons may grant an exception
7 to paragraph (2) or (3)(E) of subsection (a) with respect
8 to a prisoner or detainee, if a licensed medical doctor em-
9 ployed by or under contract to the Bureau of Prisons cer-
10 tifies that such exception is medically necessary in order
11 to enable the prisoner or detainee to pursue a program
12 of physical therapy or rehabilitation.

13 “(c) EFFECT ON OTHER REGULATIONS.—Nothing in
14 this section shall be construed to preempt or repeal any
15 regulation or policy of the Bureau of Prisons that imposes
16 greater restrictions on prisoners and detainees than those
17 required by this section, or to prevent the adoption by the
18 Bureau of Prisons of any regulation or policy that imposes
19 greater restrictions on prisoners and detainees than those
20 required by this section.

21 “(d) NO CAUSE OF ACTION.—Nothing in this section
22 shall be construed to create a cause of action by or on
23 behalf of any person against the United States or any offi-
24 cer, employee, or contractor thereof.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The analysis for chapter 303 of title 18, United States
3 Code, as amended by subtitle D of this title, is amended
4 by adding at the end the following:

“4050. Certain amenities for prisoners prohibited.”.

5 **SEC. 6506. PRISONER HEALTH CARE COPAYMENTS.**

6 (a) HEALTH CARE FEES FOR PRISONERS IN FED-
7 ERAL INSTITUTIONS.—

8 (1) IN GENERAL.—Chapter 303 of title 18,
9 United States Code, as amended by section 6505(a)
10 of this subtitle, is amended by adding at the end the
11 following:

12 **“§ 4051. Fees for health care services for prisoners**

13 “(a) DEFINITIONS.—In this section—

14 “(1) the term ‘account’ means the trust fund
15 account (or institutional equivalent) of a prisoner;

16 “(2) the term ‘Director’ means the Director of
17 the Bureau of Prisons;

18 “(3) the term ‘health care provider’ means any
19 person who is—

20 “(A) authorized by the Director to provide
21 health care services; and

22 “(B) operating within the scope of such
23 authorization;

24 “(4) the term ‘health care visit’ means a visit,
25 as determined by the Director, by a prisoner to an

1 institutional or noninstitutional health care provider;
2 and

3 “(5) the term ‘prisoner’ means—

4 “(A) any individual who is incarcerated in
5 an institution under the jurisdiction of the Bu-
6 reau of Prisons; or

7 “(B) any other individual, as designated by
8 the Director, who has been charged with or con-
9 victed of an offense against the United States.

10 “(b) FEES FOR HEALTH CARE SERVICES.—

11 “(1) IN GENERAL.—The Director, in accord-
12 ance with this section and with such regulations as
13 the Director shall promulgate to carry out this sec-
14 tion, may assess and collect a fee for health care
15 services provided in connection with each health care
16 visit requested by a prisoner.

17 “(2) EXCLUSION.—The Director may not as-
18 sess or collect a fee under this section for preventa-
19 tive health care services, as determined by the Direc-
20 tor.

21 “(c) PERSONS SUBJECT TO FEE.—Each fee assessed
22 under this section shall be collected by the Director from
23 the account of—

1 “(1) the prisoner receiving health care services
2 in connection with a health care visit described in
3 subsection (b)(1); or

4 “(2) in the case of health care services provided
5 in connection with a health care visit described in
6 subsection (b)(1) that results from an injury in-
7 flicted on a prisoner by another prisoner, the pris-
8 oner who inflicted the injury, as determined by the
9 Director.

10 “(d) AMOUNT OF FEE.—Any fee assessed and col-
11 lected under this section shall be in an amount of not less
12 than \$2.

13 “(e) NO CONSENT REQUIRED.—Notwithstanding any
14 other provision of law, the consent of a prisoner shall not
15 be required for the collection of a fee from the account
16 of the prisoner under this section.

17 “(f) NO REFUSAL OF TREATMENT FOR FINANCIAL
18 REASONS.—Nothing in this section may be construed to
19 permit any refusal of treatment to a prisoner on the basis
20 that—

21 “(1) the account of the prisoner is insolvent; or

22 “(2) the prisoner is otherwise unable to pay a
23 fee assessed under this section.

24 “(g) USE OF AMOUNTS.—

1 “(1) RESTITUTION TO SPECIFIC VICTIMS.—
2 Amounts collected by the Director under this section
3 from a prisoner subject to an order of restitution
4 issued pursuant to section 3663 or 3663A shall be
5 paid to victims in accordance with the order of res-
6 titution.

7 “(2) ALLOCATION OF OTHER AMOUNTS.—Of
8 amounts collected by the Director under this section
9 from prisoners not subject to an order of restitution
10 issued pursuant to section 3663 or 3663A—

11 “(A) 75 percent shall be deposited in the
12 Crime Victims Fund established under section
13 1402 of the Victims of Crime Act of 1984 (42
14 U.S.C. 10601); and

15 “(B) 25 percent shall be available to the
16 Attorney General for administrative expenses
17 incurred in carrying out this section.

18 “(h) REPORTS TO CONGRESS.—Not later than 2
19 years after the date of enactment of the Federal Prisoner
20 Copayment Act of 1999, and annually thereafter, the Di-
21 rector shall submit to Congress a report, which shall
22 include—

23 “(1) a description of the amounts collected
24 under this section during the preceding 24-month
25 period; and

1 “(2) an analysis of the effects of the implemen-
 2 tation of this section, if any, on the nature and ex-
 3 tent of health care visits by prisoners.”.

4 (2) TECHNICAL AND CONFORMING AMEND-
 5 MENT.—The analysis for chapter 303 of title 18,
 6 United States Code, as amended by section 6505(b)
 7 of this subtitle, is amended by adding at the end the
 8 following:

 “4051. Fees for health care services for prisoners.”.

9 (b) HEALTH CARE FEES FOR FEDERAL PRISONERS
 10 IN NON-FEDERAL FACILITIES.—Section 4013 of title 18,
 11 United States Code, is amended by adding at the end the
 12 following:

13 “(c) HEALTH CARE FEES FOR FEDERAL PRISONERS
 14 IN NON-FEDERAL INSTITUTIONS.—Notwithstanding
 15 amounts paid under subsection (a)(3), a State or local
 16 government may assess and collect a reasonable fee from
 17 the trust fund account (or institutional equivalent) of a
 18 Federal prisoner for health care services, if—

19 “(1) the prisoner—

20 “(A) is confined in a non-Federal institu-
 21 tion pursuant to an agreement between the
 22 Federal Government and the State or local gov-
 23 ernment; and

24 “(B) is not indigent;

25 “(2) the fee—

1 “(A) is authorized under State law; and

2 “(B) does not exceed the amount collected
3 from State or local prisoners for the same serv-
4 ices; and

5 “(3) the services—

6 “(A) are provided within or outside of the
7 institution by a person who is licensed or cer-
8 tified under State law to provide health care
9 services and who is operating within the scope
10 of such license;

11 “(B) are provided at the request of the
12 prisoner; and

13 “(C) are not preventative health care serv-
14 ices.”.

15 **SEC. 6507. STUDY AND REPORT ON PROBATION AND SU-**
16 **PERVISED RELEASE.**

17 (a) FINDINGS.—Congress finds that—

18 (1) the probation service of the Federal courts
19 serves as a critical link in the Federal criminal jus-
20 tice system;

21 (2) public safety and the credibility and integ-
22 rity of the criminal justice system depend on the
23 close and adequate supervision of Federal convicts
24 sentenced to terms of probation and supervised re-
25 lease;

1 (3) presentencing reports prepared by Federal
2 probation officers form an important basis for the
3 imposition of just and adequate sentences on crimi-
4 nal defendants;

5 (4) the recognition of the rights of victims in
6 the criminal justice system, including the right to an
7 order of restitution from the defendant, depends on
8 the work performed by Federal probation officer;
9 and

10 (5) the increase in Federal criminal cases and
11 the imposition of additional duties on Federal proba-
12 tion officers require an evaluation of the resources
13 and workload of the probation service of the courts
14 to ensure the public safety, the recognition of vic-
15 tims' rights, and the smooth administration of jus-
16 tice in the Federal courts.

17 (b) STUDY AND REPORT.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this Act, the Director
20 of the Administrative Office of the United States
21 Courts shall submit to the Chief Justice of the
22 United States, the Attorney General, the Commit-
23 tees on the Judiciary of the Senate and the House
24 of Representatives, and the Committees on Appro-
25 priations of the Senate and the House of Represent-

1 atives, a report on the resources of the probation
2 service of the Federal courts.

3 (2) CONTENTS OF REPORT.—The report sub-
4 mitted under paragraph (1) shall include—

5 (A) an analysis of the workload of the Fed-
6 eral probation service, including—

7 (i) the average number of persons su-
8 pervised by each Federal probation officer;

9 (ii) the average annual number of
10 presentence reports made by each Federal
11 probation officer; and

12 (iii) the average annual number of vic-
13 tim restitution cases handled by each Fed-
14 eral probation officer; and

15 (B) recommendations on—

16 (i) the resources needed by the proba-
17 tion service to meet its increasing duties
18 and to adequately supervise defendants
19 sentenced to probation or terms of super-
20 vised release;

21 (ii) means by which to improve the
22 consistency and reliability of the imposition
23 and enforcement of orders of restitution in
24 Federal criminal cases; and

1 (iii) other means by which to expedi-
 2 tiously improve the functioning of the pro-
 3 bation service of the Federal courts in
 4 order to—

5 (I) ensure the close and adequate
 6 supervision of defendants sentenced to
 7 probation or terms of supervised re-
 8 lease for the public safety;

9 (II) improve the recognition of
 10 victims' rights in the criminal justice
 11 system; and

12 (III) enhance the smooth admin-
 13 istration of justice in the Federal
 14 courts.

15 **SEC. 6508. MEDICARE RATE ENFORCEMENT MECHANISM.**

16 Section 1866(a)(1) of the Social Security Act (42
 17 U.S.C. 1395cc(a)(1)) is amended—

18 (1) in subparagraph (R), by inserting a comma
 19 at the end;

20 (2) in subparagraph (S)(iii), by striking the pe-
 21 riod at the end and inserting “, and”; and

22 (3) by inserting after subparagraph (S)(iii) the
 23 following:

24 “(T) to be a participating provider of medical
 25 care for prisoners and detainees in the custody of

1 the Attorney General, in accordance with the prac-
 2 tices, payment methodology, and amounts prescribed
 3 under regulations issued by the Attorney General.”.

4 **SEC. 6509. MEDICAL QUALITY ASSURANCE RECORDS.**

5 (a) IN GENERAL.—Chapter 303 of title 18, United
 6 States Code, as amended by section 6506(a)(1) of this
 7 subtitle, is amended by adding at the end the following:

8 **“§ 4052. Confidentiality of medical quality assurance**
 9 **records**

10 “(a) DEFINITIONS.—In this section:

11 “(1) HEALTH CARE PROVIDER.—The term
 12 ‘health care provider’ means any health care profes-
 13 sional who is authorized by the Bureau of Prisons
 14 or any granting authority to provide health care
 15 services.

16 “(2) MEDICAL QUALITY ASSURANCE PRO-
 17 GRAM.—The term ‘medical quality assurance pro-
 18 gram’ means any activity carried out by or for the
 19 Bureau of Prisons to assess the quality of medical
 20 care, including activities conducted by individuals,
 21 medical or dental treatment facility committees, or
 22 other review bodies responsible for quality assurance,
 23 credentials, infection control, patient care assess-
 24 ment (including treatment procedures, blood, drugs,
 25 and therapeutics), medical records, health resources

1 management review and identification, and preven-
2 tion of medical or dental incidents and risks.

3 “(3) MEDICAL QUALITY ASSURANCE RECORD.—

4 The term ‘medical quality assurance record’ means
5 the proceedings, records, minutes, and reports, in-
6 cluding internal agency documents, that emanate
7 from or refer to quality assurance program activities
8 described in paragraph (1) and are produced or
9 compiled by the Bureau of Prisons as part of a med-
10 ical quality assurance program.

11 “(b) CONFIDENTIALITY OF RECORDS.—Medical qual-
12 ity assurance records created by or for the Bureau of Pris-
13 ons as part of a medical quality assurance program are
14 confidential and privileged. Such records may not be dis-
15 closed to any person or entity, except as provided in sub-
16 section (d).

17 “(c) PROHIBITION ON DISCLOSURE AND TESTI-
18 MONY.—

19 “(1) IN GENERAL.—No part of any medical
20 quality assurance record described in subsection (b)
21 may be subject to discovery or admitted into evi-
22 dence in any judicial or administrative proceeding,
23 except as provided in subsection (d).

24 “(2) PERSONS REVIEWING RECORDS.—A person
25 who reviews or creates medical quality assurance

1 records for the Bureau of Prisons or who partici-
2 pates in any proceeding for the purpose of reviewing
3 or creating such records may not be permitted or re-
4 quired to testify in any judicial or administrative
5 proceeding with respect to such records or with re-
6 spect to any finding, recommendation, evaluation,
7 opinion, or action taken by such person or body in
8 connection with such records except as provided in
9 this section.

10 “(d) AUTHORIZED DISCLOSURE.—

11 “(1) IN GENERAL.—Subject to paragraph (2), a
12 medical quality assurance record described in sub-
13 section (b) may be disclosed, and a person referred
14 to in subsection (c) may give testimony in connection
15 with such a record, only—

16 “(A) to a Federal, State, or local law en-
17 forcement officer, if the record is requested in
18 connection with a criminal investigation.

19 “(B) to a criminal or civil law enforcement
20 agency or instrumentality charged under appli-
21 cable law with the protection of the public
22 health or safety, if a qualified representative of
23 such agency or instrumentality makes a written
24 request that such record or testimony be pro-
25 vided for a purpose authorized by law.

1 “(C) to health care personnel, to the extent
2 necessary to meet a medical emergency affect-
3 ing the health or safety of any individual; or

4 “(D) to an officer or employee of the Bu-
5 reau of Prisons who has a need for such record
6 or testimony to perform official duties.

7 “(2) DELETION OF CERTAIN INFORMATION.—
8 Except for a disclosure under paragraph (1)(A), the
9 name of and other identifying information regarding
10 any inmate receiving health care services from the
11 Bureau of Prisons, any Bureau of Prisons employee
12 or contractor, or any other individual associated with
13 the Bureau of Prisons for purposes of a medical
14 quality assurance program, contained in a medical
15 quality assurance record or document described in
16 subsection (b), shall be deleted from that record or
17 document before any disclosure is made under this
18 subsection.

19 “(e) DISCLOSURE FOR CERTAIN PURPOSES.—Noth-
20 ing in this section may be construed—

21 “(1) to authorize or require the withholding
22 from any person or entity aggregate statistical infor-
23 mation regarding the result of Bureau of Prisons
24 medical quality assurance programs.

1 “(2) to authorize the withholding of any med-
2 ical quality assurance record from a committee of
3 the House of Representatives or the Senate, any
4 joint committee of Congress, or the General Ac-
5 counting Office, if such record pertains to any mat-
6 ter within their respective jurisdictions.

7 “(f) PROHIBITION ON DISCLOSURE OF RECORD OR
8 TESTIMONY.—A person or entity having possession of or
9 access to a record or testimony described by this section
10 may not disclose the contents of such record in any man-
11 ner or for any purpose except as provided in this section.

12 “(g) EXEMPTION FROM FREEDOM OF INFORMATION
13 ACT.—Medical quality assurance records described in sub-
14 section (b) may not be made available to any person under
15 section 522 of title 5.

16 “(h) LIMITATION ON CIVIL LIABILITY.—A person
17 who participates in or provides information to a person
18 or body that reviews or creates medical quality assurance
19 records described in subsection (b) shall not be civilly lia-
20 ble for such participation or for providing such informa-
21 tion if the participation or provision of information was
22 in good faith based on prevailing professional standards
23 at the time the medical quality assurance program activity
24 took place.

1 “(i) APPLICATION TO INFORMATION IN CERTAIN
 2 OTHER RECORDS.—Nothing in this section shall be con-
 3 strued as limiting access to the information in a record
 4 created and maintained outside a medical quality assur-
 5 ance program, including an inmate’s medical records, on
 6 the ground that the information was presented during
 7 meetings of a review body that are part of a medical qual-
 8 ity assurance program.

9 “(j) REGULATIONS.—The Director of the Bureau of
 10 Prisons may prescribe regulations to implement this sec-
 11 tion.

12 “(k) PENALTIES.—Any person who willfully discloses
 13 a medical quality assurance record other than as provided
 14 in this section, knowing that such record is a medical qual-
 15 ity assurance record, shall be fined not more than \$5,000
 16 in the case of a first offense and not more than \$20,000
 17 in the case of a subsequent offense.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 19 The analysis for chapter 303 of title 18, United States
 20 Code, as amended by section 6506(a)(2) is amended by
 21 adding at the end the following:

“4052. Confidentiality of medical quality assurance records.”.

22 **SEC. 6510. ADMINISTRATION OF FEDERAL PRISON COM-**
 23 **MISSARIES.**

24 (a) IN GENERAL.—Section 4043 of title 18, United
 25 States Code, is amended to read as follows:

1 **“§ 4043. Prison Commissary Administration**

2 “(a) The Director of the Bureau of Prisons may es-
3 tablish, operate, and maintain commissaries in Federal
4 penal or correctional facilities, from and through which ar-
5 ticles and services may be procured, sold, rendered, or oth-
6 erwise provided or made available for the benefit of in-
7 mates confined within those facilities. Only those articles
8 or services authorized by the Director of the Bureau of
9 Prisons may be procured from or through prison com-
10 missaries for the use of inmates.

11 “(b) There is established in the Treasury of the
12 United States a revolving fund to be known as the Prison
13 Commissary Fund, which shall be available to the Bureau
14 of Prisons without fiscal year limitation to carry out the
15 purposes, functions, and powers authorized by this section.
16 Funds currently on deposit in the “Commissary funds,
17 Federal prisons” account of the Treasury shall be trans-
18 ferred to the Prison Commissary Fund.

19 “(c) The Director of the Bureau of Prisons may ac-
20 cept gifts or bequests of money for credit to the Fund.
21 The Director may also accept gifts or bequests of other
22 property, real or personal, for use or other disposition by
23 the Bureau of Prisons. A gift or bequest under this section
24 is a gift or bequest to or for the use of the United States
25 under the Internal Revenue Code of 1986 (26 U.S.C. 1
26 et seq.).

1 “(d) Amounts in the Prison Commissary Fund that
2 are not needed for operations shall be kept on deposit or
3 invested in obligations of, or guaranteed by, the United
4 States and all earnings on such investments shall be de-
5 posited in the Prison Commissary Fund.

6 “(e) There shall be deposited in the Fund, subject
7 to withdrawal by the Bureau of Prisons—

8 “(1) revenues received from the sale of articles
9 through prison commissaries;

10 “(2) revenues received from services rendered
11 by prison commissaries;

12 “(3) a gift or bequest of money for credit to the
13 Fund;

14 “(4) proceeds from the sale or disposal of do-
15 nated property, real or personal, for credit to the
16 Fund; and

17 “(5) earnings or interest that may be derived
18 from investments of the Fund.

19 “(f)(1) The Fund shall be available for the payment
20 of any expenses incurred by the Bureau of Prisons in es-
21 tablishing, operating, and maintaining prison com-
22 missaries, including the employment of personnel, the pur-
23 chase of equipment, security-related or otherwise, and
24 those expenses incurred in the provision of articles or serv-

1 ices procured, sold, rendered, or otherwise provided or
 2 made available to inmates.

3 “(2) The Director of the Bureau of Prisons may use
 4 amounts from the Prison Commissary Fund for any pur-
 5 pose, including expenditures for programs, goods, and
 6 services, that benefits the general welfare of inmates. No
 7 inmate shall be entitled to any portion of the Fund.

8 “(g) Employees compensated by or through the Pris-
 9 on Commissary Fund may be assigned additional duties
 10 other than those directly related to commissary activities.

11 “(h) The provisions of sections 554 and 555 and 701
 12 through 706 of title 5, United States Code, do not apply
 13 to the making of any determination, decision, or order
 14 under this section.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 16 Section 1321(a) of title 31, United States Code, is amend-
 17 ed by striking “Commissary funds, Federal prisons”.

18 **SEC. 6511. MEDICAL PAY ALLOWANCE.**

19 (a) IN GENERAL.—Chapter 59 of title 5, United
 20 States Code, is amended by adding after section 5948 the
 21 following:

22 **“§ 5949. Physician assistants and nurse practitioners**
 23 **comparability allowances**

24 “(a) Notwithstanding any other provision of law, and
 25 in order to recruit and retain highly qualified physician

1 assistants and nurse practitioners, the Director of the Bu-
2 reau of Prisons, subject to the provisions of this section,
3 section 5307, and such regulations as may be prescribed
4 to carry out this section, may enter into a service agree-
5 ment with a physician assistant or nurse practitioner that
6 provides for the completion of a specified period of service
7 in the Bureau of Prisons in return for an allowance for
8 the duration of such agreement in an amount to be deter-
9 mined by the Director and specified in the agreement, but
10 not to exceed \$20,000 per annum.

11 “(b) An allowance may not be paid pursuant to this
12 section to any physician assistant or nurse practitioner
13 who—

14 “(1) is employed on less than a half-time or
15 intermittent basis;

16 “(2) occupies an internship or residency train-
17 ing position;

18 “(3) is a reemployed annuitant; or

19 “(4) is fulfilling a scholarship obligation.

20 “(c) The amount of each allowance shall be deter-
21 mined by the Director, subject to such regulations, cri-
22 teria, and conditions as may be prescribed.

23 “(d) Any agreement entered into by a physician as-
24 sistant or nurse practitioner under this section shall be
25 for a period of 1 year of service in the Bureau of Prisons

1 unless the physician assistant or nurse practitioner re-
2 quests an agreement for a longer period of service. No
3 agreement shall be entered into under this section later
4 than September 30, 2002, nor shall any agreement cover
5 a period of service extending beyond September 30, 2004.

6 “(e) Unless otherwise provided for in the agreement
7 under subsection (f) of this section, an agreement under
8 this section shall provide that the physician assistant or
9 nurse practitioner, in the event that such individual volun-
10 tarily, or because of misconduct, fails to complete at least
11 1 year of service pursuant to such agreement, shall be re-
12 quired to refund the total amount received under this sec-
13 tion, unless the Director, pursuant to such regulations as
14 may be prescribed under this section, determines that such
15 failure is necessitated by circumstances beyond the control
16 of the physician assistant or nurse practitioner.

17 “(f) Any agreement under this section shall specify
18 the terms under which the Director and the physician as-
19 sistant or nurse practitioner may elect to terminate such
20 agreement, and the amounts, if any, required to be re-
21 funded by the physician assistant or nurse practitioner for
22 each reason for termination.

23 “(g) In this section, ‘physician assistant or nurse
24 practitioner’ means any individual employed as a physician

1 assistant, who holds a State license, or as a nurse practi-
 2 tioner, who holds a State license, who is paid under—

3 “(1) section 5332, relating to the General
 4 Schedule;

5 “(2) section 5371, relating to certain health
 6 care positions; or

7 “(3) section 5305.

8 “(h)(1) Any allowance paid under this section shall
 9 not be considered as basic pay for the purposes of sub-
 10 chapter VI and section 5595 of chapter 55, chapter 81,
 11 83, or 87 of this title, or other benefits related to basic
 12 pay.

13 “(2) Any allowance under this section for a physician
 14 assistant or nurse practitioner shall be paid in the same
 15 manner and at the same time as the physician assistant’s
 16 or nurse practitioner’s basic pay is paid.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) LIMITATION.—Section 5307(a)(2)(C) of
 19 title 5, United States Code, is amended by striking
 20 “or 5948” and inserting “5948, or 5949”.

21 (2) CHAPTER ANALYSIS.—The analysis for
 22 chapter 59 of title 5, United States Code, is amend-
 23 ed by adding at the end the following:

“5949. Physician assistants and nurse practitioners comparability allowances.”.

1 **SEC. 6512. JUDICIAL DISTRICT DESIGNATION.**

2 Section 113 of title 28, United States Code, is
 3 amended by striking “Federal Correctional Institution,
 4 Butner” each place that term appears and inserting “Fed-
 5 eral Correctional Complex, Butner”.

6 **SEC. 6513. OFFENSES INVOLVING INDIVIDUALS IN CUS-**
 7 **TODY.**

8 (a) **SEXUAL ABUSE OFFENSES.**—Chapter 109A of
 9 title 18, United States Code, is amended—

10 (1) by inserting “or, with respect to any person
 11 in the custody of the Bureau of Prisons or the At-
 12 torney General or confined in any institution or fa-
 13 cility by direction of the Attorney General” after “in
 14 a Federal prison,” each place it appears;

15 (2) in section 2243(b), by striking “one year”
 16 and inserting “3 years”;

17 (3) in section 2244(a)(4), by striking “six
 18 months” and inserting “2 years”; and

19 (4) in section 2244(b), by striking “six months”
 20 and inserting “2 years”.

21 (b) **ASSAULT.**—Section 113(a) of title 18, United
 22 States Code, is amended by inserting “or, with respect to
 23 any person in the custody of the Bureau of Prisons or
 24 the Attorney General or confined in any institution or fa-
 25 cility by direction of the Attorney General,” after “within

1 the special maritime and territorial jurisdiction of the
 2 United States,”.

3 (c) MURDER BY A FEDERAL PRISONER.—Section
 4 1118(a) of title 18, United States Code, is amended by
 5 inserting “or in the custody of the Bureau of Prisons or
 6 the Attorney General or confined in any institution or fa-
 7 cility by direction of the Attorney General,” after “Federal
 8 correctional institution”.

9 **SEC. 6514. PRISON CREDIT AND AGING PRISONER REFORM.**

10 (a) PRISON CREDIT REFORM.—Section 3585(b) of
 11 title 18, United States Code, is amended to read as fol-
 12 lows:

13 “(b) CREDIT FOR PRIOR CUSTODY.—A defendant
 14 shall be given credit toward the service of a term of impris-
 15 onment for any time spent in official detention prior to
 16 the date the sentence commences only if that official
 17 detention—

18 “(1) is as a result of the offense for which the
 19 sentence was imposed; and

20 “(2) has not been credited toward another sen-
 21 tence or applied in any manner to an undischarged
 22 concurrent term of imprisonment.”.

23 (b) GOOD TIME CREDITS FOR FOREIGN PRISONERS
 24 TRANSFERRED TO THE UNITED STATES.—

1 (1) IN GENERAL.—Section 4105(c) of title 18,
2 United States Code, is amended—

3 (A) in paragraph (1), by inserting “by the
4 Bureau of Prisons and deducted from the sen-
5 tence imposed by the foreign court” after
6 “These credits shall be combined”;

7 (B) by redesignating paragraphs (3) and
8 (4) as paragraphs (5) and (6), respectively; and

9 (C) by inserting after paragraph (2) the
10 following:

11 “(3) If the term of imprisonment under section
12 4106A(b)(1)(A) is less than or equal to the total
13 sentence imposed and certified by the foreign au-
14 thorities on the basis of considerations other than
15 the limitation arising under section 4106A(b)(1)(C),
16 the Bureau of Prisons shall calculate credits for sat-
17 isfactory behavior at the rate provided in section
18 3624(b) and computed on the basis of the term of
19 imprisonment under section 4106A(b)(1)(A). If the
20 credits calculated under this paragraph produce a
21 release date that is earlier than the release date oth-
22 erwise determined under this section, the release
23 date calculated under this paragraph shall apply to
24 the transferred offender.

1 “(4) Upon release from imprisonment, the of-
 2 fender shall commence service of any period of su-
 3 pervised release established pursuant to section
 4 4106A(b)(1)(A), and the balance of the foreign sen-
 5 tence remaining at the time of release from prison
 6 shall not be reduced by credits for satisfactory be-
 7 havior, or labor, or any other credit that has been
 8 applied to establish the offender’s release date.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
 10 MENT.—Section 4106A(b)(1)(A) of title 18, United
 11 States Code, is amended by striking “release date”
 12 and inserting “term of imprisonment”.

13 (c) ALLOWING A TERM OF SUPERVISED RELEASE
 14 AFTER THE RELEASE OF CERTAIN OFFENDERS.—Section
 15 3582(c)(1)(A) of title 18, United States Code, is
 16 amended—

17 (1) by inserting “(and may impose a sentence
 18 of probation or supervised release with or without
 19 conditions)” after “may reduce the term of impris-
 20 onment”; and

21 (2) in clause (ii), by striking “, pursuant to a
 22 sentence imposed under section 3559(c),”.

1 **SEC. 6515. AUTHORIZATION OF VIDEO TELECONFER-**
2 **ENCING FOR CERTAIN PROCEEDINGS.**

3 Rule 43(c) of the Federal Rules of Criminal Proce-
4 dure is amended—

5 (1) in paragraph (3) by striking “or” after the
6 semicolon;

7 (2) in paragraph (4) by striking the period and
8 inserting a semicolon and “or”; and

9 (3) by adding at the end the following:

10 “(5) when—

11 “(A) the proceeding is the initial appear-
12 ance, arraignment, taking of the plea, other
13 pretrial session, or the sentencing hearing; and

14 “(B)(i) the defendant, in writing, waives
15 the right to be present in court; or

16 “(ii) the court finds, for good cause shown
17 in exceptional circumstances and upon appro-
18 priate safeguards, that communication with a
19 defendant (who is not physically present before
20 the court) by video conferencing is an ade-
21 quate substitute for the defendant’s physical
22 presence.”.

1 **Subtitle F—United States Marshals**
2 **Service**

3 **SEC. 6601. FEDERAL JUDICIARY SECURITY.**

4 Section 566(e)(1) of title 28, United States Code, is
5 amended by striking subparagraph (A) and inserting the
6 following:

7 “(A) provide for the personal protection of,
8 and residential security for, Federal jurists and
9 provide for the personal protection of court offi-
10 cers, witnesses, and other threatened persons in
11 the interests of justice where criminal intimidat-
12 ion impedes the functioning of the judicial
13 process or any other official proceeding; and”.

14 **SEC. 6602. ADMINISTRATIVE SUBPOENAS TO APPREHEND**
15 **FUGITIVES.**

16 (a) IN GENERAL.—Chapter 49 of title 18, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 1075. Administrative subpoenas to apprehend fugi-**
20 **tives**

21 “(a) In this section—

22 “(1) the term ‘fugitive’ means a person who—

23 “(A) having been accused by complaint, in-
24 formation, or indictment under Federal law or
25 having been convicted of committing a felony

1 under Federal law, flees or attempts to flee
2 from or evades or attempts to evade the juris-
3 diction of the court with jurisdiction over the
4 felony;

5 “(B) having been accused by complaint, in-
6 formation, or indictment (or equivalent docu-
7 ment) under State law or having been convicted
8 of committing a felony under State law, flees or
9 attempts to flee from, or evades or attempts to
10 evade, the jurisdiction of the court with juris-
11 diction over the felony;

12 “(C) escapes from lawful Federal or State
13 custody after having been accused by complaint,
14 information or indictment (or equivalent docu-
15 ment under State law) or having been convicted
16 of committing a felony under Federal or State
17 law; or

18 “(D) is in violation of subparagraph (2) or
19 (3) of the first undesignated paragraph of sec-
20 tion 1073;

21 “(2) the term ‘investigation’ means, with re-
22 spect to a State fugitive described in subparagraph
23 (B) or (C) of paragraph (1), an investigation in
24 which there is reason to believe that the fugitive fled
25 from or evaded, or attempted to flee from or evade,

1 the jurisdiction of the court, or escaped from cus-
2 tody, in or affecting, or using any facility of, inter-
3 state or foreign commerce, or as to whom an appro-
4 priate law enforcement officer or official of a State
5 or political subdivision has requested the Attorney
6 General to assist in the investigation, and the Attor-
7 ney General finds that the particular circumstances
8 of the request give rise to a Federal interest suffi-
9 cient for the exercise of Federal jurisdiction pursu-
10 ant to section 1075;

11 “(3) the term ‘State’ means a State of the
12 United States, the District of Colombia, and any
13 commonwealth, territory, or possession of the United
14 States; and

15 “(4) the term ‘relevant or material’ means there
16 are articulable facts that show the fugitive’s where-
17 abouts may be discerned from the records sought.

18 “(b) In any investigation with respect to the appre-
19 hension of a fugitive, the Attorney General may subpoena
20 witnesses for the purpose of the production of any records
21 (including books, papers, documents, electronic data, and
22 other tangible and intangible items that constitute or con-
23 tain evidence) that the Attorney General finds relevant or
24 material in the investigation. The attendance of witnesses
25 and the production of records may be required from any

1 place in any State or other place subject to the jurisdiction
2 of the United States at any designated place where the
3 witness was served with a subpoena, except that a witness
4 shall not be required to appear more than 500 miles dis-
5 tant from the place where the witness was served. Wit-
6 nesses summoned under this section shall be paid the
7 same fees and mileage that are paid witnesses in the
8 courts of the United States.

9 “(c) A subpoena issued under this section may be
10 served by any person designated in the subpoena to serve
11 it. Service upon a natural person may be made by personal
12 delivery of the subpoena to that person or by certified mail
13 with return receipt requested. Service may be made upon
14 a domestic or foreign corporation or upon a partnership
15 or other unincorporated association that is subject to suit
16 under a common name, by delivering the subpoena to an
17 officer, to a managing or general agent, or to any other
18 agent authorized by appointment or by law to receive serv-
19 ice of process. The affidavit of the person serving the sub-
20 poena entered on a true copy thereof by the person serving
21 it shall be proof of service.

22 “(d) In the case of the contumacy by or refusal to
23 obey a subpoena issued to any person, the Attorney Gen-
24 eral may invoke the aid of any court of the United States
25 within the jurisdiction of which the investigation is carried

1 on or of which the subpoenaed person is an inhabitant,
 2 or in which he carries on business or may be found, to
 3 compel compliance with the subpoena. The court may
 4 issue an order requiring the subpoenaed person to appear
 5 before the Attorney General to produce records if so or-
 6 dered. Any failure to obey the order of the court may be
 7 punishable by the court as contempt thereof. All process
 8 in any such case may be served in any judicial district
 9 in which the person may be found.

10 “(e) This section shall be construed and applied in
 11 a manner consistent with section 2703 and with section
 12 1102 of the Right to Financial Privacy Act of 1978 (12
 13 U.S.C. 3402).

14 “(f) The Attorney General may delegate the authori-
 15 ties provided in this section only pursuant to the issuance
 16 of formal guidelines.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 18 The analysis for chapter 49 of title 18, United States
 19 Code, is amended by adding at the end the following:

“1075. Administrative subpoenas to apprehend fugitives.”.

20 **SEC. 6603. PRISONER MEDICAL PAYMENT EFFICIENCY.**

21 (a) IN GENERAL.—Section 4006 of title 18, United
 22 States Code, is amended to read as follows:

1 **“§ 4006. Subsistence for prisoners**

2 “The Attorney General shall acquire subsistence and
3 medical care for persons in the custody of the United
4 States Marshals Service at fair and reasonable prices.”.

5 (b) MEDICAL EXPENSES FOR PRISONERS IN THE
6 CUSTODY OF THE UNITED STATES MARSHALS SERV-
7 ICE.—

8 (1) IN GENERAL.—Chapter 301 of title 18,
9 United States Code, is amended by adding at the
10 end the following:

11 **“§ 4015. Allowable medical costs and expenses for**
12 **Federal prisoners**

13 “(a) IN GENERAL.—Notwithstanding section 4013,
14 funds available for the United States Marshals Service
15 may be used to acquire medical care for persons in the
16 custody of the United States Marshals Service at fair and
17 reasonable prices.

18 “(b) COSTS.—Without specific authorization from
19 the Attorney General, the expenses incurred in the provi-
20 sion of medical care under this paragraph shall not exceed
21 the costs and expenses charged in the provision of similar
22 health care services paid pursuant to the medicare pro-
23 gram under title XVII of the Social Security Act and the
24 medicaid program under title XIX of such Act.”.

25 (2) TECHNICAL AND CONFORMING AMEND-
26 MENT.—The analysis for chapter 301 of title 18,

1 United States Code, is amended by adding at the
2 end the following:

“4015. Allowable medical costs and expenses for Federal prisoners.”.

3 **SEC. 6604. SUBSISTENCE FOR PERSONS IN CUSTODY OF**
4 **UNITED STATES MARSHALS.**

5 (1) IN GENERAL.—Chapter 301 of title 18,
6 United States Code, as amended by section
7 6603(b)(1) of this subtitle, is amended by adding at
8 the end the following:

9 **“§ 4016. Subsistence for persons in custody**

10 “Notwithstanding any other provision of law, the At-
11 torney General shall acquire subsistence for persons in the
12 custody of the United States Marshals Service at fair and
13 reasonable prices.”.

14 (2) TECHNICAL AND CONFORMING AMEND-
15 MENT.—The analysis for chapter 301 of title 18,
16 United States Code, as amended by section
17 6603(b)(2) of this subtitle, is amended by adding at
18 the end the following:

“4016. Subsistence for persons in custody.”.

19 **SEC. 6605. AIR TRANSPORTATION FOR LAW ENFORCEMENT**
20 **PURPOSES.**

21 Section 40102(a)(37) of title 49, United States Code,
22 is amended—

23 (1) in subparagraph (A), by striking “but” at
24 the end;

1 (2) by redesignating subparagraph (B) as sub-
2 paragraph (C);

3 (3) by inserting after subparagraph (A) the fol-
4 lowing:

5 “(B) includes a privately leased or rented
6 aircraft and crew, if the aircraft is operated for
7 the purpose of transporting prisoners or detain-
8 ees; and”; and

9 (4) in the flush sentence at the end of subpara-
10 graph (C), as redesignated, by striking “if the unit
11 of government on whose behalf” and all that follows
12 before the period at the end and inserting “if the
13 aircraft is used for purposes of law enforcement,
14 search and rescue, or responding to an imminent
15 threat to property or natural resources”.

16 **Subtitle G—Federal Prisoner and** 17 **Criminal Alien Detention**

18 **SEC. 6701. MEETING LONG-TERM FEDERAL DETENTION** 19 **NEEDS.**

20 (a) LONG-TERM FEDERAL DETENTION NEEDS.—
21 Section 4013 of title 18, United States Code, is amended
22 by adding at the end the following:

23 “(c) The Director of the United States Marshals
24 Service—

1 “(1) may designate districts singly or in
2 combination—

3 “(A) experiencing or projected to experi-
4 ence a severe shortage in the number of spaces
5 for Federal detainees; or

6 “(B) experiencing or projected to experi-
7 ence high growth in the number of Federal de-
8 tainees; and

9 “(2) may enter into contracts or cooperative
10 agreements pursuant to subsection (a)(4) to meet
11 the long-term detention needs of the district or dis-
12 tricts designated under paragraph (1) of this sub-
13 section.”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated—

16 (1) for contracts or cooperative agreements
17 under section 4013(a)(4) of title 18, United States
18 Code—

19 (A) \$50,000,000 for fiscal year 2000;

20 (B) \$53,000,000 for fiscal year 2001; and

21 (C) \$55,000,000 for fiscal year 2002; and

22 (2) to carry out section 4013(c) of title 18,
23 United States Code, as added by subsection (a) of
24 this section, \$5,000,000 for each of fiscal years
25 2000 and 2001.

1 **SEC. 6702. REPORT ON FEDERAL DETENTION SPACE**
2 **SHORTAGE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Attorney General shall
5 submit to the Committees on the Judiciary of the Senate
6 and the House of Representatives a report on detention
7 space for Federal detainees in the custody of the United
8 States Marshals Service and the Immigration and Natu-
9 ralization Service.

10 (b) CONTENTS OF REPORT.—The report submitted
11 under subsection (a) shall include—

12 (1) 10-year projections for the detainee popu-
13 lations of the United States Marshals Service and
14 the Immigration and Naturalization Service;

15 (2) specific plans to ensure space is available to
16 meet projected needs;

17 (3) specific plans to comply with detention and
18 removal requirements of the Immigration Reform
19 Act of 1996; and

20 (4) recommendations on the feasibility and ad-
21 visability of consolidating all detention activities of
22 the Department of Justice under 1 agency of the
23 Department of Justice.

24 **SEC. 6703. FAIRNESS IN BAIL BOND FORFEITURE.**

25 Rule 46(e)(1) of the Federal Rules of Criminal Proce-
26 dure is amended by striking “there is a breach of condition

1 of” and inserting “the defendant fails to appear as re-
 2 quired by”.

3 **Subtitle H—Prison Litigation** 4 **Reform**

5 **SEC. 6801. APPROPRIATE REMEDIES FOR PRISON CONDI-** 6 **TIONS.**

7 (a) TRANSFER AND REDESIGNATION.—Section 3626
 8 of title 18, United States Code, is—

9 (1) transferred to the Civil Rights of Institu-
 10 tionalized Persons Act (42 U.S.C. 1997 et seq.);

11 (2) redesignated as section 13 of that Act; and

12 (3) inserted after section 12 of that Act (42
 13 U.S.C. 1997j).

14 (b) AMENDMENTS.—Section 13 of the Civil Rights of
 15 Institutionalized Persons Act, as redesignated by sub-
 16 section (a) of this section, is amended—

17 (1) in subsection (b)(3), by adding at the end
 18 the following: “Noncompliance with an order for
 19 prospective relief by any party, including the party
 20 seeking termination of that order, shall not con-
 21 stitute grounds for refusal to terminate the prospec-
 22 tive relief, if the party’s noncompliance does not con-
 23 stitute a current and ongoing violation of a Federal
 24 right.”;

1 (2) by redesignating subsections (e) through (g)
2 as subsections (f) through (h), respectively;

3 (3) by inserting after subsection (d) the fol-
4 lowing:

5 “(e) PROCEDURE FOR ENTERING PROSPECTIVE RE-
6 LIEF.—

7 “(1) IN GENERAL.—In any civil action with re-
8 spect to prison conditions, a court entering an order
9 for prospective relief shall enter written findings
10 specifying—

11 “(A) the Federal right the court finds to
12 have been violated;

13 “(B) the facts establishing that violation;

14 “(C) the particular plaintiff or plaintiffs
15 who suffered actual injury caused by that viola-
16 tion;

17 “(D) the actions of each defendant that
18 warrant and require the entry of prospective re-
19 lief against that defendant;

20 “(E) the reasons for which, in the absence
21 of prospective relief, each defendant as to whom
22 the relief is being entered will not take ade-
23 quate measures to correct the violation of the
24 Federal right;

1 “(F) the reasons for which no more nar-
 2 rowly drawn or less intrusive prospective relief
 3 would correct the current and ongoing violation
 4 of the Federal right; and

5 “(G) the estimated impact of the prospec-
 6 tive relief on public safety and the operation of
 7 any affected criminal justice system.

8 “(2) CONFLICT WITH STATE LAW.—If the pro-
 9 spective relief ordered in any civil action with respect
 10 to prison conditions requires or permits a govern-
 11 ment official to exceed his or her authority under
 12 State or local law or otherwise violates State law,
 13 the court shall, in addition to the findings required
 14 under paragraph (1), enter findings regarding the
 15 reasons for which—

16 “(A) Federal law requires such relief to be
 17 ordered in violation of State or local law;

18 “(B) the specific relief is necessary to cor-
 19 rect the violation of a Federal right; and

20 “(C) no other relief will correct the viola-
 21 tion of the Federal right.”;

22 (4) in subsection (f), as redesignated—

23 (A) in paragraph (3), in the first sentence,
 24 by inserting before the period at the end the
 25 following: “, including that the case requires

1 the determination of complex or novel questions
 2 of law, or that the court plans to order or has
 3 ordered a hearing under paragraph (5)(E) or
 4 discovery under paragraph (5)(F)”; and

5 (B) by adding at the end the following:

6 “(5) TERMINATION OF PROSPECTIVE RELIEF.—

7 “(A) CONTENTS OF ANSWER TO MOTION
 8 TO TERMINATE.—

9 “(i) IN GENERAL.—In the answer to
 10 the motion to terminate prospective relief,
 11 the plaintiff may oppose termination in ac-
 12 cordance with this subparagraph, on the
 13 ground that the prospective relief remains
 14 necessary to correct a current and ongoing
 15 violation of a Federal right.

16 “(ii) RELIEF ENTERED BEFORE EN-
 17 ACTMENT OF PRISON LITIGATION REFORM
 18 ACT OF 1995.—If the prospective relief
 19 sought to be terminated was entered before
 20 the date of enactment of the Prison Litiga-
 21 tion Reform Act of 1995, the answer op-
 22 posing termination under clause (i) shall
 23 allege—

1 “(I) the specific Federal right al-
2 leged to be the object of a current vio-
3 lation;

4 “(II) specific facts that, if true,
5 would establish that current violation;

6 “(III) the particular plaintiff or
7 plaintiffs who are currently suffering
8 actual injury caused by that violation;

9 “(IV) the actions of each named
10 defendant that constitute that viola-
11 tion of the particular plaintiff’s or
12 plaintiffs’ right;

13 “(V)(aa) the portion of the com-
14 plaint or amended complaint filed
15 prior to the original entry of the pro-
16 spective relief sought to be retained
17 that alleged the violation of that Fed-
18 eral right;

19 “(bb) the portion of the court
20 order originally ordering the prospec-
21 tive relief that found the violation of
22 that Federal right; or

23 “(cc) both the materials specified
24 in items (aa) and (bb), if the violation

1 of right was both alleged and estab-
2 lished;

3 “(VI) the manner in which the
4 current and ongoing violation can be
5 remedied by maintaining the existing
6 prospective relief; and

7 “(VII) the reasons for which, in
8 the absence of prospective relief, each
9 defendant as to whom the relief would
10 be maintained would not take ade-
11 quate measures to correct the viola-
12 tion of the Federal right.

13 “(iii) RELIEF ENTERED AFTER EN-
14 ACTMENT OF PRISON LITIGATION REFORM
15 ACT OF 1995.—If the prospective relief was
16 entered after the date of enactment of the
17 Prison Litigation Reform Act of 1995, the
18 answer opposing termination under clause
19 (i) shall allege—

20 “(I) the specific Federal right al-
21 leged to be the object of a current vio-
22 lation;

23 “(II) specific facts that, if true,
24 would establish that current violation;

1 “(III) the particular plaintiff or
2 plaintiffs who are currently suffering
3 actual injury caused by that violation;

4 “(IV) the current actions of each
5 named defendant that constitute that
6 violation of the particular plaintiff’s
7 or plaintiffs’ right;

8 “(V) the findings required by
9 subsection (e) made by the court at
10 the time of the original entry of the
11 prospective relief that established that
12 the right had been violated and that
13 the prospective relief was necessary to
14 correct the violation;

15 “(VI) the manner in which the
16 current and ongoing violation can be
17 remedied by maintaining the existing
18 prospective relief; and

19 “(VII) the reasons for which, in
20 the absence of prospective relief, each
21 defendant as to whom the relief would
22 be maintained would not take ade-
23 quate measures to correct the viola-
24 tion of the Federal right.

1 “(iv) The answer shall be accom-
2 panied by affidavits, references to the
3 record, and any other materials on which
4 the plaintiff relies to support the allega-
5 tions required to be contained in the an-
6 swer under clause (ii) or (iii).

7 “(B) CONTENTS OF RESPONSE TO AN-
8 SWER.—

9 “(i) IN GENERAL.—If the defendant
10 disputes plaintiff’s factual allegations, de-
11 fendant shall file a response to the answer
12 setting forth the factual allegations the de-
13 fendant challenges.

14 “(ii) ADDITIONAL REQUIREMENTS.—
15 In any case in which the defendant seeks
16 termination of the relief on the ground
17 that it is not narrowly tailored, overly in-
18 trusive, or poses too great a burden on
19 public safety or the operation of a criminal
20 justice system, or that it requires the de-
21 fendant to violate State or local law with-
22 out meeting the requirements of subsection
23 (a)(1)(B)—

1 “(I) the defendant shall set forth
2 the factual basis for these claims in
3 its response; and

4 “(II) the defendant shall also set
5 forth alternative relief that would cor-
6 rect the violation of the Federal right
7 and that is more narrowly tailored,
8 less intrusive, less burdensome to pub-
9 lic safety or the operation of the af-
10 fected criminal justice system, or does
11 not require a violation of State or
12 local law.

13 “(iii) SUPPORTING DOCUMENTA-
14 TION.—The defendant’s response shall be
15 accompanied by affidavits, references to
16 the record, and any other materials on
17 which the defendant relies to support its
18 challenge to the plaintiff’s factual allega-
19 tions or the factual basis for its claims re-
20 garding the propriety or scope of the relief.

21 “(C) BURDEN OF PERSUASION.—The
22 plaintiff shall have the burden of persuasion
23 with respect to each point required to be con-
24 tained in the answer. The defendant shall have
25 the burden of persuasion with respect to wheth-

1 er the relief extends further than necessary to
2 correct the violation of the Federal right, is not
3 narrowly drawn nor the least intrusive means to
4 correct the violation of the Federal right, exces-
5 sively burdens public safety or the operation of
6 a prison system, or requires the defendant to
7 violate State or local law without meeting the
8 requirements of subsection (a)(1)(B).

9 “(D) SUMMARY DETERMINATION.—The
10 court shall grant the motion to terminate if the
11 plaintiff’s answer fails to satisfy the require-
12 ments of subparagraph (A) or if the materials
13 accompanying the plaintiff’s answer together
14 with the materials accompanying the defend-
15 ant’s response fail to carry the plaintiff’s bur-
16 den of persuasion or fail to create a genuine
17 issue of material fact regarding whether the re-
18 lief should be maintained.

19 “(E) EVIDENTIARY HEARING.—If the
20 court determines that there is a genuine issue
21 of material fact that precludes it from making
22 a summary determination concerning the mo-
23 tion on the basis of the materials filed by the
24 parties, the court may conduct a limited evi-

1 dentiary hearing to resolve any disputed mate-
2 rial facts identified by the court.

3 “(F) DISCOVERY.—If the court determines
4 that the plaintiff’s answer meets the require-
5 ments of paragraph (5)(A), that there are gen-
6 uine issues of material fact that preclude it
7 from making a summary determination con-
8 cerning the motion based on the material filed
9 by the parties, and that discovery would assist
10 in resolving these issues, the court may permit
11 limited, narrowly tailored, and expeditious dis-
12 covery relating to the disputed material facts
13 identified by the court.

14 “(G) FINDINGS.—

15 “(i) IN GENERAL.—If the court denies
16 the motion to terminate prospective relief,
17 the court shall enter written findings
18 specifying—

19 “(I) the Federal right the court
20 finds to be currently violated;

21 “(II) the facts establishing that
22 the violation is continuing to occur;

23 “(III) the particular plaintiff or
24 plaintiffs who are currently suffering
25 actual injury caused by that violation;

1 “(IV) the actions of each defend-
2 ant that warrant and require the con-
3 tinuation of the prospective relief
4 against that defendant;

5 “(V) the reasons for which, in
6 the absence of continued prospective
7 relief, each defendant as to whom the
8 relief is continued will not take ade-
9 quate measures to correct the viola-
10 tion of the Federal right;

11 “(VI) the reasons for which no
12 more narrowly drawn or less intrusive
13 prospective relief would correct the
14 current and ongoing violation of the
15 Federal right;

16 “(VII) the impact of the prospec-
17 tive relief on public safety and the op-
18 eration of any affected criminal jus-
19 tice system; and

20 “(VIII) if the prospective relief
21 requires the defendant to violate State
22 or local law, the reasons for which—

23 “(aa) Federal law requires
24 the continuation of relief that
25 violates State or local law;

1 “(bb) the specific relief is
2 necessary to correct the violation
3 of a Federal right; and

4 “(cc) no other relief will cor-
5 rect the violation of the Federal
6 right.

7 “(ii) REQUIREMENTS FOR MOTIONS
8 ORDERED BEFORE ENACTMENT OF PRISON
9 LITIGATION REFORM ACT OF 1995.—In the
10 case of a motion to terminate prospective
11 relief entered before the date of enactment
12 of the Prison Litigation Reform Act of
13 1995, in addition to the requirements of
14 clause (i), the court’s written findings shall
15 also specify—

16 “(I)(aa) the portion of the com-
17 plaint or amended complaint that pre-
18 viously alleged that violation of Fed-
19 eral right;

20 “(bb) the findings the court
21 made at the time it originally entered
22 the prospective relief concerning that
23 violation of Federal right; or

24 “(cc) both the findings specified
25 in items (aa) and (bb), if the violation

1 was originally both alleged and estab-
2 lished; and

3 “(II) the prospective relief pre-
4 viously ordered to remedy that viola-
5 tion.

6 “(iii) REQUIREMENTS FOR MOTIONS
7 ORDERED AFTER ENACTMENT OF PRISON
8 LITIGATION REFORM ACT OF 1995.—In the
9 case of a motion to terminate prospective
10 relief originally ordered after the date of
11 enactment of the Prison Litigation Reform
12 Act of 1995, in addition to the require-
13 ments of clause (i), the court shall also
14 enter written findings specifying—

15 “(I) the findings required by sub-
16 section (e) made by the court at the
17 time the relief was originally entered
18 establishing that violation of Federal
19 right; and

20 “(II) the prospective relief pre-
21 viously ordered to remedy that viola-
22 tion.”;

23 (5) in subsection (g), as redesignated—

24 (A) by striking the subsection designation
25 and heading and inserting the following:

1 “(g) SPECIAL MASTERS FOR CIVIL ACTIONS WITH
2 RESPECT TO PRISON CONDITIONS.—”;

3 (B) in paragraph (1)(B), by striking
4 “under this subsection”;

5 (C) in paragraph (2)—

6 (i) in subparagraph (A), by striking
7 “institution”; and

8 (ii) by adding at the end the fol-
9 lowing:

10 “(D) APPLICABILITY.—

11 “(i) IN GENERAL.—This paragraph shall
12 not apply to any special master appointed be-
13 fore the date of enactment of the Prison Litiga-
14 tion Reform Act of 1995, unless their original
15 appointment expires on or after that date of en-
16 actment.

17 “(ii) SPECIAL MASTERS COVERED.—This
18 paragraph applies to all special masters ap-
19 pointed or reappointed after the date of enact-
20 ment of the Prison Litigation Reform Act of
21 1995, regardless of the cause of the expiration
22 of any initial appointment.”;

23 (D) in paragraph (3), by striking “under
24 this subsection”;

25 (E) in paragraph (4)—

- 1 (i) by striking “under this section”;
- 2 (ii) by inserting “(A)” after “(4)”;
- 3 (iii) in subparagraph (A), as so des-
4 ignated, by adding at the end the fol-
5 lowing: “In no event shall a court require
6 a party to pay the compensation, expenses,
7 or costs of the special master. Notwith-
8 standing any other provision of law (in-
9 cluding section 306 of the Act entitled ‘An
10 Act making appropriations for the Depart-
11 ments of Commerce, Justice, and State,
12 the Judiciary, and related agencies for the
13 fiscal year ending September 30, 1997,’
14 contained in section 101(a) of title I of di-
15 vision A of the Act entitled ‘An Act mak-
16 ing omnibus consolidated appropriations
17 for the fiscal year ending September 30,
18 1997’ (110 Stat. 3009201)) and except as
19 provided in subparagraph (B), the require-
20 ment under the preceding sentence shall
21 apply to the compensation and payment of
22 expenses or costs of a special master for
23 any action that is commenced before, on,
24 or after the date of enactment of the Pris-
25 on Litigation Reform Act of 1995.”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(B) The payment requirements under
4 subparagraph (A) shall not apply to the pay-
5 ment of a special master who was appointed be-
6 fore the date of enactment of the Prison Litiga-
7 tion Reform Act of 1995 (110 Stat. 1321165 et
8 seq.) of compensation, expenses, or costs relat-
9 ing to activities of the special master under this
10 subsection that were carried out during the pe-
11 riod beginning on the date of enactment of the
12 Prison Litigation Reform Act of 1995 and end-
13 ing on the date of enactment of this subpara-
14 graph.”;

15 (F) in paragraph (5), by striking from “In
16 any civil action” and all that follows through
17 “subsection, the” and inserting “The”; and

18 (G) in paragraph (6)—

19 (i) by striking “appointed under this
20 subsection”;

21 (ii) by striking subparagraph (A) and
22 inserting the following:

23 “(A) may be authorized by a court to con-
24 duct hearings on the record, and shall make
25 any findings based on the record as a whole;”;

1 (iii) in subparagraph (B), by striking
2 “communications;” and inserting “engage
3 in any communications ex parte; and”; and

4 (iv) by striking subparagraph (C) and
5 redesignating subparagraph (D) as sub-
6 paragraph (C); and

7 (6) in subsection (h), as redesignated—

8 (A) in paragraph (1), by striking “settle-
9 ments” and inserting “settlement agreements”;

10 (B) in paragraph (3)—

11 (i) by inserting “Federal, State, local,
12 or other” before “facility”;

13 (ii) by striking “violations” and in-
14 serting “a violation”;

15 (iii) by striking “terms and condi-
16 tions” and inserting “terms or conditions”;
17 and

18 (iv) by inserting “or other post-convic-
19 tion conditional or supervised release,”
20 after “probation,”;

21 (C) in paragraph (5), by striking “or local
22 facility” and inserting “local, or other facility”;

23 (D) in paragraph (8) by striking “inher-
24 ent”;

1 (E) in paragraph (9), by striking the pe-
 2 riod at the end and inserting a semicolon;

3 (F) by adding at the end the following:

4 “(10) the term ‘violation of a Federal right’—

5 “(A) means a violation of a Federal con-
 6 stitutional or Federal statutory right;

7 “(B) does not include a violation of a court
 8 order that is not independently a violation of a
 9 Federal statutory or Federal constitutional
 10 right; and

11 “(C) shall not be interpreted to expand the
 12 authority of any individual or class to enforce
 13 the legal rights that individual or class may
 14 have pursuant to existing law with regard to in-
 15 stitutionalized persons, or to expand the author-
 16 ity of the United States to enforce those rights
 17 on behalf of any individual or class.”; and

18 (G) by redesignating paragraphs (8) and
 19 (9) as paragraphs (9) and (8), respectively, and
 20 inserting paragraph (9), as redesignated, after
 21 paragraph (8), as redesignated.

22 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) IN GENERAL.—Chapter 229 of title 18,
 24 United States Code, is amended by redesignating

1 section 3627, as added by section 5105(b) of this
2 Act, as section 3626.

3 (2) CHAPTER ANALYSIS.—The analysis for sub-
4 chapter C of chapter 229 of title 18, United States
5 Code, is amended—

6 (A) by striking the item relating to section
7 3626; and

8 (B) by redesignating the item relating to
9 section 3627, as added by section 5105(b) of
10 this Act, as an item relating to section 3626.

11 **SEC. 6802. LIMITATION ON FEES.**

12 Section 7 of the Civil Rights of Institutionalized Per-
13 sons Act (42 U.S.C. 1997e) is amended—

14 (1) in subsection (d)—

15 (A) in paragraph (1)—

16 (i) by striking “any action brought by
17 a prisoner who is confined in any jail, pris-
18 on, or other correctional facility” and in-
19 serting “any civil action with respect to
20 prison conditions brought by a plaintiff
21 who is or who has been confined in any
22 prison”;

23 (ii) by inserting “or other provision of
24 Federal law” after (42 U.S.C. 1988)”;

1 (iii) by striking subparagraphs (A)
2 and (B) and inserting the following:

3 “(A) the fee was directly and reasonably
4 incurred in—

5 “(i) proving an actual violation of the
6 plaintiff’s Federal rights that resulted in
7 an order for relief;

8 “(ii) successfully obtaining contempt
9 sanctions for a violation of previously or-
10 dered prospective relief that meets the
11 standards set forth in section 13, if the
12 plaintiff made a good faith effort to resolve
13 the matter without court action; or

14 “(iii) successfully obtaining court or-
15 dered enforcement of previously ordered
16 prospective relief that meets the standards
17 set forth in section 13, if the enforcement
18 order was necessary to prevent an immi-
19 nent risk of serious bodily injury to the
20 plaintiff and the plaintiff made a good
21 faith attempt to resolve the matter without
22 court action; and

23 “(B) the amount of the fee is proportion-
24 ately related to the court ordered relief for the
25 violation.”;

1 (B) in paragraph (2), by striking the last
 2 sentence and inserting “If a monetary judgment
 3 is the sole or principal relief awarded, the
 4 award of attorney’s fees shall not exceed 100
 5 percent of the judgment.”;

6 (C) in paragraph (3)—

7 (i) by striking “greater than 150 per-
 8 cent” and inserting “greater than the less-
 9 er of—

10 “(A) 100 percent”; and

11 (ii) by striking “counsel.” and insert-
 12 ing “counsel; or

13 “(B) a rate of \$100 per hour.”; and

14 (D) in paragraph (4), by striking “pris-
 15 oner” and inserting “plaintiff”;

16 (2) in subsection (e), by striking “Federal civil
 17 action” and inserting “civil action arising under
 18 Federal law” and by striking “prisoner confined in
 19 a jail, prison, or other correctional facility” and in-
 20 serting “prisoner who is or has been confined in any
 21 prison”;

22 (3) in subsection (f)—

23 (A) in paragraph (1), by striking “action
 24 brought with respect to prison conditions” and
 25 inserting “civil action with respect to prison

1 conditions brought” and by striking “jail, pris-
2 on, or other correctional facility” and inserting
3 “prison”; and

4 (B) in paragraph (2), by striking “facility”
5 and inserting “prison”; and

6 (4) by striking subsections (g) and (h) and in-
7 serting the following:

8 “(g) WAIVER OF RESPONSE.—Any defendant may
9 waive the right to respond to any complaint in any civil
10 action arising under Federal law brought by a prisoner.
11 Notwithstanding any other law or rule of procedure, such
12 waiver shall not constitute an admission of the allegations
13 contained in the complaint or waive any affirmative de-
14 fense available to the defendant. No relief shall be granted
15 to the plaintiff unless a response has been filed. The court
16 may direct any defendant to file a response to the cog-
17 nizable claims identified by the court. The court shall
18 specify as to each named defendant the applicable cog-
19 nizable claims.

20 “(h) DEFINITIONS.—In this section, the terms ‘civil
21 action with respect to prison conditions’, ‘prison’, and
22 ‘prisoner’ have the meanings given the terms in section
23 13(h).”.

1 **SEC. 6803. NOTICE OF MALICIOUS FILINGS.**

2 (a) IN GENERAL.—Chapter 123 of title 28, United
3 States Code, is amended—

4 (1) in section 1915A(c)—

5 (A) by striking “(c) DEFINITION.—As
6 used in this section” and inserting the fol-
7 lowing:

8 **“§ 1915C. Definition**

9 “In sections 1915A and 1915B”;

10 (B) by inserting “Federal, State, local, or
11 other” before “facility”;

12 (C) by striking “violations” and inserting
13 “a violation”;

14 (D) by striking “terms and conditions”
15 and inserting “terms or conditions”; and

16 (E) by inserting “or other post-conviction
17 conditional or supervised release,” after “proba-
18 tion,”; and

19 (2) by inserting after section 1915A the fol-
20 lowing:

21 **“§ 1915B. Notice to State authorities of finding of ma-
22 licious filing by a prisoner**

23 “(a) FINDING.—In any civil action brought in Fed-
24 eral court by a prisoner (other than a prisoner confined
25 in a Federal correctional facility), the court may, on its

1 own motion or the motion of any adverse party, make a
2 finding whether—

3 “(1) the claim was filed for a malicious pur-
4 pose;

5 “(2) the claim was filed to harass the party
6 against which it was filed; or

7 “(3) the claimant testified falsely or otherwise
8 knowingly presented false allegations, pleadings, evi-
9 dence, or information to the court.

10 “(b) TRANSMISSION OF FINDING.—The court shall
11 transmit to the State Department of Corrections or other
12 appropriate authority any affirmative finding under sub-
13 section (a). If the court makes such a finding, the Depart-
14 ment of Corrections or other appropriate authority may,
15 pursuant to State or local law—

16 “(1) revoke such amount of good time credit or
17 the institutional equivalent accrued to the prisoner
18 as is deemed appropriate; or

19 “(2) consider such finding in determining
20 whether the prisoner should be released from prison
21 under any other State or local program governing
22 the release of prisoners, including parole, probation,
23 other post-conviction or supervised release, or diver-
24 sionary program.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 The analysis for chapter 123 of title 28, United States
 3 Code, is amended by inserting after the item relating to
 4 section 1915A the following:

“1915B. Notice to State authorities of finding of malicious filing by prisoner.
 “1915C. Definition.”.

5 **SEC. 6804. LIMITATION ON PRISONER RELEASE ORDERS.**

6 (a) IN GENERAL—Chapter 99 of title 28, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing:

9 **“§ 1632. Limitation on prisoner release orders**

10 “(a) IN GENERAL.—Notwithstanding section 13 of
 11 the Civil Rights of Institutionalized Persons Act or any
 12 other provision of law, in a civil action with respect to pris-
 13 on conditions, no court of the United States or other court
 14 defined under section 610 shall have jurisdiction to enter
 15 or carry out any prisoner release order that would result
 16 in the release from or nonadmission to a prison, on the
 17 basis of prison conditions, of any person subject to incar-
 18 ceration, detention, or admission to a facility because of—

19 “(1) a conviction of a felony under the laws of
 20 the relevant jurisdiction; or

21 “(2) a violation of the terms or conditions of
 22 parole, probation, pretrial release, or a diversionary
 23 program, relating to the commission of a felony
 24 under the laws of the relevant jurisdiction.

1 “(b) DEFINITIONS.—In this section—

2 “(1) the terms ‘civil action with respect to pris-
3 on conditions’, ‘prisoner’, ‘prisoner release order’,
4 and ‘prison’ have the meanings given those terms in
5 section 13(h) of the Civil Rights of Institutionalized
6 Persons Act; and

7 “(2) the term ‘prison conditions’ means condi-
8 tions of confinement or the effects of actions by gov-
9 ernment officials on the lives of persons confined in
10 prison.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The analysis for chapter 99 of title 28, United States
13 Code, is amended by adding at the end the following:

“1632. Limitation on prisoner release orders.”.

14 **TITLE VII—CRIMINAL LAW AND**
15 **PROCEDURAL IMPROVEMENTS**
16 **Subtitle A—Equal Protection for**
17 **Victims**

18 **SEC. 7101. RIGHT OF VICTIM TO IMPARTIAL JURY.**

19 Rule 24(b) of the Federal Rules of Criminal Proce-
20 dure is amended by striking “the government is entitled
21 to 6 peremptory challenges and the defendant or defend-
22 ants jointly to 10 peremptory challenges” and inserting
23 “the government and the defendant (or defendants jointly)
24 are each entitled to 10 peremptory challenges”.

1 **SEC. 7102. JURY TRIAL IMPROVEMENTS.**

2 (a) JURIES OF 6.—

3 (1) IN GENERAL.—Rule 23(b) of the Federal
4 Rules of Criminal Procedure is amended—

5 (A) by striking “JURY OF LESS THAN
6 TWELVE. JURIES” and inserting the following:

7 “(b) NUMBER OF JURORS.—

8 “(1) IN GENERAL.—Except as provided in sub-
9 section (2), juries”; and

10 (B) by adding at the end the following:

11 “(2) JURIES OF 6.—Juries may be of 6 on re-
12 quest in writing by the defendant with the approval
13 of the court and the consent of the government.”.

14 (2) ALTERNATE JURORS.—Rule 24(c) of the
15 Federal Rules of Criminal Procedure is amended—

16 (A) by striking “In a case” and inserting
17 the following:

18 “(1) IN GENERAL.—In a case”; and

19 (B) by adding at the end the following:

20 “(2) JURIES OF 6.—In the case of a jury of 6,
21 the court shall direct that not more than 3 jurors in
22 addition to the regular jury be called and impanelled
23 to sit as alternate jurors.”.

24 (b) CAPITAL CASES.—Section 3593(b) of title 18,
25 United States Code, is amended—

1 (1) by redesignating paragraphs (1) and (2) as
2 subparagraphs (A) and (B), respectively, and indent-
3 ing appropriately;

4 (2) by redesignating subparagraphs (A) through
5 (D) as clauses (i) through (iv), respectively, and in-
6 denting appropriately;

7 (3) in the first sentence, by striking “If the at-
8 torney” and inserting the following:

9 “(1) IN GENERAL.—If the attorney”;

10 (4) in the second sentence, by striking “The
11 hearing” and inserting the following:

12 “(2) TRIER OF FACT.—The hearing”; and

13 (5) by striking the last sentence and inserting
14 the following:

15 “(3) JURY IMPANELLED FOR THE PURPOSE OF
16 THE HEARING.—

17 “(A) IN GENERAL.—A jury impanelled
18 under paragraph (2)(B) may be made of 6 on
19 request in writing by the defendant with the ap-
20 proval of the court and the consent of the gov-
21 ernment.

22 “(B) NO REQUEST FOR JURY OF 6.—If a
23 jury of 6 is not impanelled under subparagraph
24 (A), the jury shall be made of 12, unless, at any
25 time before the conclusion of the hearing, the

1 parties stipulate, with the approval of the court,
 2 that the jury shall consist of a lesser number.”.

3 **SEC. 7103. REJOINDER TO ATTACKS ON THE CHARACTER**
 4 **OF THE VICTIM BY ADMISSION OF EVIDENCE**
 5 **OF THE CHARACTER OF THE ACCUSED.**

6 Rule 404(a)(1) of the Federal Rules of Evidence is
 7 amended by inserting before the semicolon at the end the
 8 following: “, or, if an accused offers evidence of a pertinent
 9 trait of character of the victim of the crime, evidence of
 10 a pertinent trait of character of the accused offered by
 11 the prosecution”.

12 **SEC. 7104. USE OF NOTICES OF RELEASE OF PRISONERS.**

13 Section 4042(b) of title 18, United States Code, is
 14 amended by striking paragraph (4).

15 **SEC. 7105. BALANCE IN THE COMPOSITION OF RULES COM-**
 16 **MITTEES.**

17 Section 2073 of title 28, United States Code, is
 18 amended—

19 (1) in subsection (a)(2), by adding at the end
 20 the following: “On each such committee that makes
 21 recommendations concerning rules that affect crimi-
 22 nal cases (including recommendations relating to the
 23 Federal Rules of Criminal Procedure, the Federal
 24 Rules of Evidence, the Federal Rules of Appellate
 25 Procedure, the Rules Governing Section 2254 Cases,

and the Rules Governing Section 2255 Cases), the number of members who represent or supervise the representation of defendants in the trial, direct review, or collateral review of criminal cases shall not exceed the number of members who represent or supervise the representation of the Government or a State in the trial, direct review, or collateral review of criminal cases.”; and

(2) in subsection (b), by adding at the end the following: “The number of members of the standing committee who represent or supervise the representation of defendants in the trial, direct review, or collateral review of criminal cases shall not exceed the number of members who represent or supervise the representation of the Government or a State in the trial, direct review, or collateral review of criminal cases.”.

Subtitle B—Reform of Judicially Created Exclusionary Rules

SEC. 7201. ENFORCEMENT OF CONFESSION REFORM STAT- UTE.

(a) IN GENERAL.—Section 3501(e) of title 18, United States Code, is amended—

(1) by striking “(e) As used in this section, the term” and inserting the following:

1 “(e) DEFINITIONS.—In this section:

2 “(1) ANY CRIMINAL PROSECUTION BY THE
3 UNITED STATES.—The term ‘any criminal prosecu-
4 tion by the United States’ includes a prosecution by
5 the United States under the Uniform Code of Mili-
6 tary Justice.

7 “(2) CONFESSION.—The term”; and

8 (2) by adding at the end the following:

9 “(3) OFFENSE AGAINST THE LAWS OF THE
10 UNITED STATES.—The term ‘offense against the
11 laws of the United States’ includes an offense under
12 the punitive articles of the Uniform Code of Military
13 Justice (Subchapter X of chapter 47 of title 10).”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a)—

16 (1) takes effect on the date of enactment of this
17 Act; and

18 (2) applies to any criminal prosecution brought
19 by or under the authority of the United States, in-
20 cluding a military prosecution or a prosecution
21 brought by the District of Columbia, regardless of
22 whether the prosecution was commenced before that
23 date if the prosecution did not become final before
24 that date.

1 **SEC. 7202. CHALLENGES TO CONVICTION OR SENTENCE ON**
 2 **THE BASIS OF VOLUNTARY CONFESSION.**

3 (a) IN GENERAL.—Chapter 153 of title 28, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 2255A. Challenges to conviction or sentence on the**
 7 **basis of voluntary confession**

8 “(a) DEFINITION OF CONFESSION.—In this section,
 9 the term ‘confession’ has the meaning given the term in
 10 section 3501(e) of title 18.

11 “(b) LIMITATION.—No writ of habeas corpus or other
 12 post-conviction remedy under section 2241, 2244, 2254,
 13 or 2255 or any other provision of Federal law shall lie
 14 to challenge the custody or sentence of a person on the
 15 ground that the custody or sentence of the person is the
 16 result in whole or in part of the voluntary confession of
 17 the person.

18 “(c) DETERMINATIONS REGARDING POST-CONVIC-
 19 TION REMEDIES.—For purposes of subsection (a), in de-
 20 termining whether a post-conviction remedy lies under a
 21 provision of law described in subsection (b), and in deter-
 22 mining whether any such remedy should be granted—

23 “(1) the court shall apply the standards set
 24 forth in section 3501(b) of title 18; and

25 “(2) in applying the standards under paragraph
 26 (1) in a case seeking a post-conviction remedy from

1 a State court conviction, the court shall apply the
2 standards set forth in section 2254(d).

3 “(d) NO EFFECT ON OTHER LAW.—Nothing in this
4 section modifies or otherwise affects any requirement
5 under Federal law relating to the obtaining or granting
6 of post-conviction relief.”.

7 (b) CONFORMING AMENDMENT.—The chapter anal-
8 ysis for chapter 153 of title 28, United States Code, is
9 amended by adding at the end the following:

“2255A. Challenges to conviction or sentence on the basis of voluntary confes-
sion.”.

10 **SEC. 7203. OBLIGATION OF ATTORNEYS FOR THE UNITED**
11 **STATES TO PRESENT CERTAIN ARGUMENTS.**

12 Section 518 of title 28, United States Code, is
13 amended by adding at the end the following:

14 “(c) VOLUNTARY CONFESSIONS.—

15 “(1) DEFINITION OF CONFESSION.—In this
16 subsection, the term ‘confession’ has the meaning
17 given the term in section 3501(e) of title 18.

18 “(2) IN GENERAL.—When, in any Federal
19 criminal prosecution, the defendant seeks to sup-
20 press or to exclude from evidence the defendant’s
21 own voluntary confession, the attorney for the
22 United States shall seek the admission of the confes-
23 sion into evidence under section 3501(a) of title 18.

1 “(3) APPEAL.—In any appeal from a ruling ad-
 2 mitting or suppressing a defendant’s voluntary con-
 3 fession, the attorney for the United States shall
 4 argue that section 3501(a) of title 18 requires the
 5 admission of the confession or forbids its suppres-
 6 sion.”.

7 **SEC. 7204. ADMISSIBILITY OF VOLUNTARY CONFESSIONS IN**
 8 **STATE COURT PROCEEDINGS.**

9 (a) DEFINITION OF CONFESSION.—In this section,
 10 the term “confession” has the meaning given the term in
 11 section 3501(e) of title 18, United States Code.

12 (b) ADMISSIBILITY.—Federal law shall not bar the
 13 admission into evidence in State court of the voluntary
 14 confession of any defendant in the criminal prosecution
 15 of that defendant if—

16 (1) the prosecuting authority does not seek ad-
 17 mission of the confession to establish its case in
 18 chief; or

19 (2) the confession was obtained by interrogation
 20 reasonably prompted by a concern for public safety.

21 (c) STANDARDS.—For purposes of this section, the
 22 standards specified in section 3501(b) of title 18, United
 23 States Code, shall govern whether a confession is vol-
 24 untary.

1 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion requires the exclusion from evidence of a voluntary
3 confession under circumstances not described in sub-
4 section (b).

5 **SEC. 7205. NO POLICE OFFICER LIABILITY FOR SEEKING**
6 **OR OBTAINING VOLUNTARY CONFESSION.**

7 (a) DEFINITION OF CONFESSION.—In this section,
8 the term “confession” has the meaning given the term in
9 section 3501(e) of title 18, United States Code.

10 (b) NO LIABILITY.—The act of a person acting under
11 color of any statute, ordinance, regulation, custom, or
12 usage of the United States or of any State or territory
13 or the District of Columbia in seeking or obtaining the
14 voluntary confession of another person shall not, by itself
15 and in the absence of any other act that violates a person’s
16 right under the Constitution, give rise to any liability of
17 the person in an action under section 1979 of the Revised
18 Statutes (42 U.S.C. 1983) or any other Federal law.

19 (c) STANDARDS.—For purposes of this section, the
20 standards specified in section 3501(b) of title 18, United
21 States Code, shall govern whether a confession is vol-
22 untary.

1 **SEC. 7206. ADMISSIBILITY OF EVIDENCE OBTAINED BY**
2 **SEARCH OR SEIZURE.**

3 (a) IN GENERAL.—Chapter 223 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 3510. Admissibility of evidence obtained by search**
7 **or seizure**

8 “(a) EVIDENCE OBTAINED BY OBJECTIVELY REA-
9 SONABLE SEARCH OR SEIZURE.—

10 “(1) IN GENERAL.—Evidence that is obtained
11 as a result of a search or seizure shall not be ex-
12 cluded in a proceeding in a court of the United
13 States on the ground that the search or seizure was
14 in violation of the fourth amendment to the Con-
15 stitution if the search or seizure was carried out in
16 circumstances justifying an objectively reasonable
17 belief that the search or seizure was in conformity
18 with the fourth amendment.

19 “(2) PRIMA FACIE EVIDENCE.—That evidence
20 was obtained pursuant to and within the scope of a
21 warrant constitutes prima facie evidence of the exist-
22 ence of circumstances justifying an objectively rea-
23 sonable belief that a search or seizure was in con-
24 formity with the fourth amendment.

25 “(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR
26 RULE.—

1 “(1) IN GENERAL.—Evidence shall not be ex-
 2 cluded in a proceeding in a court of the United
 3 States on the ground that the evidence was obtained
 4 in violation of a statute, an administrative rule or
 5 regulation, or a rule of procedure unless the exclu-
 6 sion is expressly authorized by statute or by a rule
 7 prescribed by the Supreme Court pursuant to statu-
 8 tory authority.

9 “(2) SPECIAL RULE RELATING TO OBJECTIVELY
 10 REASONABLE SEARCHES AND SEIZURES.—Evidence
 11 that, but for this paragraph, is excludable under
 12 paragraph (1) shall not be excluded if the search or
 13 seizure was carried out in circumstances justifying
 14 an objectively reasonable belief that the search or
 15 seizure was in conformity with the statute, adminis-
 16 trative rule or regulation, or rule of procedure the
 17 violation of which occasioned its being excludable.”.

18 (b) RULE OF CONSTRUCTION.—The amendment
 19 made by subsection (a) does not require or authorize the
 20 exclusion of evidence in any proceeding.

21 (c) CONFORMING AMENDMENT.—The analysis for
 22 chapter 223 of title 18, United States Code, is amended
 23 by adding at the end the following:

“3510. Admissibility of evidence obtained by search or seizure.”.

1 **SEC. 7207. LAURIE SHOW VICTIM PROTECTION (RETRIAL IN**
 2 **STATE COURT OF PERSONS THAT FILE AN AP-**
 3 **PLICATION FOR WRIT OF HABEAS CORPUS).**

4 Section 2254 of title 28, United States Code, is
 5 amended by adding at the end the following:

6 “(j) RETRIAL IN STATE COURT.—No Federal court
 7 shall bar the retrial in State court of a person that files
 8 an application for a writ of habeas corpus.”.

9 **Subtitle C—Federal Law**
 10 **Enforcement Improvements**
 11 **CHAPTER 1—GENERAL PROVISIONS**

12 **SEC. 7301. AMENDMENTS RELATING TO VIOLENCE IN IN-**
 13 **DIAN COUNTRY.**

14 (a) Section 113(a)(3) of title 18, United States Code,
 15 is amended by striking “with intent to do bodily harm,
 16 and”.

17 (b) Section 1961(1)(A) of title 18, United States
 18 Code, is amended by inserting “or would have been so
 19 chargeable except that the act or threat was committed
 20 in Indian country, as defined in section 1151, or in any
 21 other area of exclusive Federal jurisdiction” after “charge-
 22 able under State law”.

23 (c) Section 1112(b) of title 18, United States Code,
 24 is amended by striking “ten years” and inserting “twenty
 25 years”.

1 (d) Section 1153(a) of title 18, United States Code,
2 is amended by inserting “an offense for which the max-
3 imum statutory term of imprisonment under section 1363
4 is greater than five years,” after “a felony under chapter
5 109A,”.

6 (e) Section 1163 of title 18, United States Code, is
7 amended in the second paragraph by striking “so”.

8 **SEC. 7302. AMENDMENTS TO ANTI-TERRORISM STATUTES.**

9 (a) Section 178 of title 18, United States Code, is
10 amended—

11 (1) in paragraph (1), by striking “means any
12 microorganism, virus, or infectious substance, or bio-
13 logical product that may be engineered as a result
14 of biotechnology or any naturally occurring or bio-
15 engineered component of any such microorganism,
16 virus, infectious substance, or biological product”
17 and inserting the following: “means any microorga-
18 nism (including, but not limited to, bacteria, viruses,
19 fungi, rickettsiae or protozoa), or infectious sub-
20 stance, or any naturally occurring, bioengineered or
21 synthesized component of any such microorganism
22 or infectious substance”;

23 (2) in paragraph (2), by striking “means the
24 toxic material of plants, animals, microorganisms, vi-
25 ruses, fungi, or infectious substances, or a recom-

1 binant molecule, whatever its origin or method of
 2 production, including” and inserting the following:
 3 “means the toxic material or product of plants, ani-
 4 mals, microorganisms (including, but not limited to,
 5 bacteria, viruses, fungi, rickettsiae or protozoa), or
 6 infectious substances, or a recombinant or syn-
 7 thesized molecule, whatever their origin and method
 8 of production, and includes”; and

9 (3) in paragraph (4), by striking “recombinant
 10 molecule, or biological product that may be engi-
 11 neered as a result of biotechnology” and inserting
 12 “recombinant or synthesized molecule”.

13 (b) Section 2332a of title 18, United States Code,
 14 is amended—

15 (1) in subsection (a), by striking “, including
 16 any biological agent, toxin, or vector (as those terms
 17 are defined in section 178)”; and

18 (2) in subparagraph (c)(2)(C), by striking “a
 19 disease organism” and inserting “any biological
 20 agent, toxin, or vector (as those terms are defined
 21 in section 178 of this title)”.

22 **SEC. 7303. VIOLENT CRIMES IN AID OF RACKETEERING AC-**
 23 **TIVITY.**

24 Section 1959 of title 18, United States Code, is
 25 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (5), by striking “ten”
3 and inserting “twenty”; and

4 (B) in paragraph (6), by striking “three”
5 and inserting “ten”; and

6 (2) in subsection (b)—

7 (A) by striking “and” after paragraph (1);

8 (B) by striking the period and inserting “;
9 and” at the end of paragraph (2); and

10 (C) by adding at the end the following new
11 paragraph (3):

12 “(3) ‘serious bodily injury’ has the meaning
13 given the term in section 2119.”.

14 **SEC. 7304. CONFORMING AMENDMENT TO RETURN SEC-**
15 **TION 115 TO THE SAME SCOPE AS SECTION**
16 **1114.**

17 Section 115(a) of title 18, United States Code, is
18 amended—

19 (1) in paragraph (1)(A), by striking “an official
20 whose killing would be a crime under section 1114
21 of this title” and inserting “an officer or employee
22 whose killing would be a crime under section 1114”;

23 (2) in paragraph (1)(B), by striking “an official
24 whose killing would be a crime under such section”

1 and inserting “an officer or employee described in
2 section 1114”; and

3 (3) in paragraph (1), by striking “such official,
4 judge, or law enforcement officer” each place it ap-
5 pears and inserting “such official, judge, law en-
6 forcement officer, or officer or employee”.

7 **SEC. 7305. ELIMINATION OF REDUNDANT PENALTY FOR**
8 **KILLING IN THE COURSE OF A BANK ROB-**
9 **BERY.**

10 Section 2113(e) of title 18, United States Code, is
11 amended—

12 (1) by striking “kills any person, or forces” and
13 inserting “(i) forces”; and

14 (2) by inserting “(ii)” before “if death results”.

15 **SEC. 7306. ELIMINATION OF UNJUSTIFIED SCIENTER ELE-**
16 **MENT FOR CARJACKING.**

17 Section 2119 of title 18, United States Code, is
18 amended by striking “, with the intent to cause death or
19 serious bodily harm”.

20 **SEC. 7307. OFFENSES COMMITTED OUTSIDE THE UNITED**
21 **STATES BY PERSONS ACCOMPANYING THE**
22 **ARMED FORCES.**

23 (a) IN GENERAL.—Title 18, United States Code, is
24 amended by inserting after chapter 211 the following:

1 **“CHAPTER 212—CRIMINAL OFFENSES**
 2 **COMMITTED OUTSIDE THE UNITED**
 3 **STATES**

“Sec.

“3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the armed forces outside the United States.

“3262. Delivery to authorities of foreign countries.

“3263. Regulations.

“3264. Employment by the Armed Forces outside the United States.

4 **“§ 3261. Criminal offenses committed by persons for-**
 5 **merly serving with, or presently em-**
 6 **ployed by or accompanying, the armed**
 7 **forces outside the United States**

8 “(a) OFFENSE.—A person who, while serving with,
 9 employed by, or accompanying the Armed Forces outside
 10 the United States, engages in conduct which would con-
 11 stitute an offense punishable by imprisonment for more
 12 than 1 year if the conduct had been engaged in within
 13 the special maritime and territorial jurisdiction of the
 14 United States, shall be guilty of a like offense and subject
 15 to a like punishment.

16 “(b) CONCURRENT JURISDICTION.—Nothing in this
 17 chapter deprives courts-martial, military commissions,
 18 provost courts, or other military tribunals of concurrent
 19 jurisdiction with respect to offenders or offenses that by
 20 statute or by the law of war may be tried by courts-mar-

1 tial, military commissions, provost courts, or other mili-
2 tary tribunals.

3 “(c) PROSECUTION BY A FOREIGN GOVERNMENT.—

4 No prosecution of a person may be commenced under this
5 section if a foreign government, in accordance with juris-
6 diction recognized by the United States, has prosecuted
7 or is prosecuting the person for the conduct constituting
8 such offense, except upon the approval of the Attorney
9 General of the United States or the Deputy Attorney Gen-
10 eral of the United States (or a person acting in either such
11 capacity), which function of approval may not be dele-
12 gated.

13 “(d) ARRESTS.—

14 “(1) IN GENERAL.—The Secretary of Defense
15 and the Secretary of Transportation may designate
16 and authorize any person serving in a law enforce-
17 ment position in the Department of Defense, or the
18 Department of Transportation when the Coast
19 Guard is not operating as part of the Navy, to ar-
20 rest outside the United States any person described
21 in subsection (a) who there is probable cause to be-
22 lieve engaged in conduct that constitutes a criminal
23 offense under that section.

24 “(2) RELEASE.—A person arrested under para-
25 graph (1) shall be released to the custody of civilian

1 law enforcement authorities of the United States for
2 removal to the United States for judicial proceedings
3 in relation to conduct described in that paragraph
4 unless—

5 “(A) the person is delivered to authorities
6 of a foreign country under section 3262; or

7 “(B) charges are preferred against the per-
8 son under chapter 47 of title 10 for the con-
9 duct.

10 **“§ 3262. Delivery to authorities of foreign countries**

11 “(a) IN GENERAL.—A person in the custody of the
12 United States for an alleged violation of section 3261(a)
13 may be delivered to the appropriate authorities of a for-
14 eign country in which the person is alleged to have en-
15 gaged in conduct described in such subsection (a) of this
16 section if—

17 “(1) the appropriate authorities of that country
18 request the delivery of the person to such country
19 for trial for such conduct as an offense under the
20 laws of that country; and

21 “(2) the delivery of such person to that country
22 is authorized by a treaty or other international
23 agreement to which the United States is a party.

24 “(b) DETERMINATION.—The Secretary of Defense, in
25 consultation with the Secretary of State, shall determine

1 what officials of a foreign country constitute appropriate
2 authorities for the purpose of this section.

3 **“§ 3263. Regulations**

4 “The Secretary of Defense and the Commandant of
5 the Coast Guard, in consultation with the Secretary of
6 State, shall each issue regulations governing the apprehen-
7 sion, detention, and removal of persons under this chapter
8 for their respective agencies. The regulations shall be uni-
9 form throughout the Department of Defense.

10 **“§ 3264. Employment by the Armed Forces or Accom-**
11 **panying the Armed Forces outside the**
12 **United States**

13 “For the purposes of this chapter—

14 “(1) a person shall be considered to be em-
15 ployed by the Armed Forces outside the United
16 States if the person—

17 “(A) is employed as a civilian employee of
18 a military department or of the Department of
19 Defense, as a Department of Defense con-
20 tractor, or as an employee of a Department of
21 Defense contractor;

22 “(B) is present or residing outside the
23 United States in connection with such employ-
24 ment; and

1 “(C) is not a national of the host nation;

2 and

3 “(2) a person shall be considered to be accom-
4 panying the Armed Forces outside the United States
5 if the person—

6 “(A) is a dependent of a member of the
7 armed forces or of a civilian employee of a mili-
8 tary department or of the Department of De-
9 fense;

10 “(B) is residing with the member or civil-
11 ian employee outside the United States; and

12 “(C) is not a national of the host nation.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 part II of title 18, United States Code, is amended by
15 inserting after the item relating to chapter 211 the fol-
16 lowing:

“**212. Criminal Offenses Committed Outside the United
States 3261**”.

17 **SEC. 7308. ADDITION OF ATTEMPT COVERAGE FOR INTER-**
18 **STATE DOMESTIC VIOLENCE OFFENSE.**

19 Section 2261(a) of title 18, United States Code, is
20 amended—

21 (1) in paragraph (1), by inserting “or attempts
22 to do so,” after “thereby causes bodily injury to
23 such spouse or intimate partner,”; and

1 (2) in paragraph (2), by inserting “or attempts
2 to do so,” after “thereby causes bodily injury to the
3 person’s spouse or intimate partner,”.

4 **SEC. 7309. CLARIFICATION OF INTERSTATE THREAT STAT-**
5 **UTE.**

6 Subsections (b) and (c) of section 875 of title 18,
7 United States Code, and the second and third undesig-
8 nated paragraphs of sections 876 and 877 of title 18,
9 United States Code, are amended by striking “any threat
10 to injure” and inserting “any threat to kill or injure”.

11 **SEC. 7310. STATUS KILLINGS OF FEDERAL EMPLOYEES AND**
12 **CONSOLIDATION OF 18 U.S.C. 1114 AND 1121.**

13 Section 1114 of title 18, United States Code, is
14 amended—

15 (1) by inserting “or because of the status of the
16 victim as such an officer or employee,” after “on ac-
17 count of the performance of official duties,”; and

18 (2) by inserting “or, if the person assisting is
19 an officer or employee of a State, local or Indian
20 tribal government, because of the status of the vic-
21 tim as such an officer or employee,” after “on ac-
22 count of that assistance,”.

1 **SEC. 7311. AMENDMENTS OF DRIVE-BY SHOOTING STAT-**
2 **UTE.**

3 (a) Section 36 of title 18, United States Code, is
4 amended—

5 (1) by amending the title to read “Shooting
6 into a group in furtherance of a major drug of-
7 fense”;

8 (2) in paragraph (a)(1), by striking “punishable
9 under section 408(c) of the Controlled Substances
10 Act (21 U.S.C. 848(c))” and inserting “punishable
11 under section 408(a) of the Controlled Substances
12 Act (21 U.S.C. 848(a))”;

13 (3) in paragraphs (b)(1) and (b)(2), by striking
14 “with the intent to intimidate,” and inserting “with
15 the intent to kill, intimidate,”.

16 (b) The table of sections for chapter 2 of title 18,
17 United States Code, is amended by striking “Drive-by
18 shooting” and inserting “Shooting into a group in further-
19 ance of a major drug offense”.

20 **SEC. 7312. THREATS AGAINST FORMER PRESIDENTS AND**
21 **OTHERS ELIGIBLE FOR SECRET SERVICE**
22 **PROTECTION.**

23 Section 879 of title 18, United States Code, is
24 amended to read as follows:

1 **“§ 879. Threats against former Presidents and others**
 2 **eligible for Secret Service Protection**

3 “(a) DEFINITIONS.—In this section:

4 “(1) IMMEDIATE FAMILY.—The term “imme-
 5 diate family” means a person to whom the Presi-
 6 dent, President-elect, former President, Vice Presi-
 7 dent, or Vice President-elect, former Vice President
 8 or major candidate for the office of President or
 9 Vice President—

10 “(A) is related by blood, marriage, or
 11 adoption; or

12 “(B) stands in loco parentis.

13 “(2) MAJOR CANDIDATE FOR THE OFFICE OF
 14 PRESIDENT OR VICE PRESIDENT.—The term “major
 15 candidate for the office of President or Vice Presi-
 16 dent” means a candidate referred to in subsection
 17 (a)(7) of section 3056 of this title.

18 “(3) PRESIDENT-ELECT; VICE PRESIDENT-
 19 ELECT.—The terms “President-elect” and “Vice
 20 President-elect” have the meanings given those
 21 terms in section 871(b) of this title.

22 “(b) Whoever knowingly and willfully threatens to
 23 kill, kidnap, or inflict bodily harm upon—

24 “(1) a former President, a former Vice Presi-
 25 dent, the spouse of a former President or former
 26 Vice President during the former President or

1 former Vice President's lifetime, or the widow or
 2 widower of a former President or former Vice Presi-
 3 dent until their death or remarriage;

4 “(2) a member of the immediate family of the
 5 President, the President-elect, a former President,
 6 the Vice President, the Vice President-elect, or a
 7 former Vice President;

8 “(3) a major candidate for the office of Presi-
 9 dent or Vice President, or the spouse or a member
 10 of the immediate family of such candidate; or

11 “(4) any other person who is protected pursu-
 12 ant to section 3056(a) (5) and (6) of this title;

13 shall be fined under this title or imprisoned not more than
 14 three years, or both.”.

15 **SEC. 7313. PROTECTION OF THE OLYMPICS.**

16 (a) IN GENERAL.—Section 1111 of title 18, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing:

19 “(c) OLYMPIC GAMES.—

20 “(1) STATE DEFINED.—In this subsection, the
 21 term ‘State’ means a State, the District of Colum-
 22 bia, and any territory or possession of the United
 23 States.

24 “(2) OFFENSE.—A person that kills a person
 25 during and in relation to any international Olympic

1 Games that are held within any State shall be pun-
2 ished in accordance with subsection (b) and section
3 1112.

4 “(3) ATTEMPTED OFFENSE.—A person that at-
5 tempts to violate this subsection shall be punished in
6 accordance with section 1113.”.

7 (b) INTERNATIONALLY PROTECTED PERSONS.—Sec-
8 tion 1116 (b)(4) of title 18, United States Code, is
9 amended—

10 (1) in subparagraph (A), by striking “or” at
11 the end;

12 (2) in subparagraph (B), by striking the period
13 at the end and inserting “; or”; and

14 (3) by adding at the end the following:

15 “(C) any participant or guest attending
16 any international sporting event sponsored or
17 sanctioned by the International Olympic Com-
18 mittee or the United States Olympic Committee
19 incorporated under chapter 2205 of title 36,
20 United States Code.”.

21 **SEC. 7314. AMENDMENTS TO SENTENCING GUIDELINES.**

22 (a) IN GENERAL.—In the exercise of its authority
23 under section 994 of title 28, United States Code, the
24 United States Sentencing Commission shall amend the
25 Federal sentencing guidelines to include the following:

1 (1) EFFECT OF POST-OFFENSE REHABILITA-
2 TION.—

3 **“§ 5H1.13. Post-offense rehabilitation.”**

4 “Post-offense rehabilitation or any similar under-
5 taking by the defendant shall not be a ground for imposing
6 a sentencing outside the applicable guidelines range, ex-
7 cept in a case in which the defendant initiates substantial
8 steps toward rehabilitation before the defendant has rea-
9 son to believe that law enforcement authorities have
10 learned of the defendant’s offense.”.

11 (2) EFFECT OF PROSECUTORIAL DISCRE-
12 TION.—

13 **“§ 5H1.14. Pleas bargaining and other prosecutorial**
14 **policies.”**

15 “Plea bargaining and other prosecutorial policies,
16 and differences in those policies among different districts,
17 are not a ground for imposing a sentence outside the ap-
18 plicable guidelines range.”.

19 **SEC. 7315. BOMB HOAX STATUTE.**

20 Section 35(a) of title 18 United States Code, in
21 amended by striking “\$1,000” and inserting “\$25,000”.

22 **SEC. 7316. TECHNICAL AMENDMENTS RELATING TO CRIMI-**
23 **NAL LAW AND PROCEDURE.**

24 (a) MISSING AND INCORRECT WORDS.—

1 (1) CORRECTION OF GARBLED SENTENCE.—
2 Section 510(c) of title 18, United States Code, is
3 amended by striking “fine of under this title” and
4 inserting “fine under this title”.

5 (2) INSERTION OF MISSING WORDS.—Section
6 981(d) of title 18, United States Code, is amended
7 by striking “proceeds from the sale of this section”
8 and inserting “proceeds from a sale of property
9 under this section”.

10 (3) CORRECTION OF INCORRECT WORD.—Sec-
11 tions 1425 through 1427, 1541 through 1544 and
12 1546(a) of title 18, United States Code, are each
13 amended by striking “to facility” and inserting “to
14 facilitate”.

15 (4) CORRECTION OF ERRONEOUS AMENDATORY
16 LANGUAGE ON EXECUTED AMENDMENT.—Effective
17 on the date of enactment of Public Law 103–322,
18 section 60003(a)(13) of Public Law 103–322 is
19 amended by striking “\$1,000,000 or imprisonment”
20 and inserting “\$1,000,000 and imprisonment”.

21 (5) INSERTION OF MISSING WORDS.—

22 (A) SECTION 3286.—Section 3286 of title
23 18, United States Code, is amended by insert-
24 ing “section” before “2332b”.

1 (B) SECTION 3553.—Section 3553(e) of
 2 title 18, United States Code, is amended by in-
 3 serting “a” before “minimum”.

4 (6) CORRECTION OF REFERENCE TO SHORT
 5 TITLE OF LAW.—Section 2332d(a) of title 18,
 6 United States Code, is amended by inserting “of
 7 1979” after “Export Administration Act”.

8 (7) CORRECTION OF MISSPELLED WORD.—Sec-
 9 tion 1992(b) of title 18, United States Code, is
 10 amended by striking “term or years” and inserting
 11 “term of years”.

12 (8) SPELLING CORRECTION.—Section 2339A(a)
 13 of title 18, United States Code, is amended by strik-
 14 ing “or an escape” and inserting “of an escape”.

15 (9) MISPLACED WORDS IN STATEMENT OF PEN-
 16 ALTY.—Section 2251(d) of title 18, United States
 17 Code, is amended in the first sentence by striking
 18 “or imprisoned not less than 10 years nor more than
 19 20 years, and both” and inserting “, imprisoned not
 20 less than 10 nor more than 20 years, or both”.

21 (b) PUNCTUATION AND SIMILAR ERRORS.—

22 (1) CAPITALIZATION IN LANGUAGE TO BE
 23 STRICKEN.—Effective on the date of its enactment,
 24 section 607(g)(2) of the Economic Espionage Act of

1 1996 is amended by striking “territory” and insert-
2 ing “Territory”.

3 (2) PARAGRAPHING.—Section 521(a) of title
4 18, United States Code, is amended—

5 (A) by inserting before the first undesig-
6 nated paragraph the following:

7 “In this section:”; and

8 (B) in the third undesignated paragraph,
9 by striking “State means” and inserting the fol-
10 lowing:

11 “State means”.

12 (3) SUBSECTION PLACEMENT CORRECTION.—
13 Section 1513 of title 18, United States Code, is
14 amended by transferring subsection (d) so that it
15 appears following subsection (c).

16 (4) INSERTION OF PARENTHETICAL DESCRIP-
17 TIONS.—Section 2332b(g)(5) of title 18, United
18 States Code, is amended—

19 (A) by inserting “(relating to certain
20 killings in Federal facilities)” after “930(c)”;
21 and

22 (B) by inserting “(relating to wrecking
23 trains)” after “1992”.

1 (5) CORRECTION TO ALLOW FOR INSERTION OF
 2 NEW SUBPARAGRAPH.—Section 1956(c)(7) of title
 3 18, United States Code, is amended—

4 (A) in subparagraph (D), by striking “or”
 5 at the end;

6 (B) in subparagraph (E), by striking the
 7 period at the end and inserting “; or”; and

8 (C) in subparagraph (F), by striking
 9 “Any” and inserting “any”.

10 **CHAPTER 2—PROFESSIONAL STANDARDS** 11 **FOR FEDERAL PROSECUTORS**

12 **SEC. 7321. ETHICAL STANDARDS FOR FEDERAL PROSECU-** 13 **TORS.**

14 (a) AMENDMENTS TO TITLE 28, UNITED STATES
 15 CODE.—

16 (1) GENERAL.—Section 530B of title 28,
 17 United States Code, is amended to read as follows:

18 **“§ 530B. Ethical standards for Federal prosecutors**

19 “(a) DEFINITION OF FEDERAL PROSECUTOR.—In
 20 this section, the term ‘Federal prosecutor’ means an attor-
 21 ney employed by the Department of Justice who is directly
 22 engaged in the prosecution of violations of Federal civil
 23 or criminal law.

24 “(b) SUBJECTION TO STATE LAW.—Except as pro-
 25 vided in subsection (c), a Federal prosecutor shall be sub-

1 ject to all laws and rules governing ethical conduct of at-
 2 torneys of the State in which the Federal prosecutor is
 3 licensed as an attorney.

4 “(c) EXCEPTION.—A Federal prosecutor shall not be
 5 subject to a State law or rule governing ethical conduct
 6 of attorneys to the extent that the State law or rule—

7 “(1) is inconsistent with Federal law; or

8 “(2) interferes with the effectuation of Federal
 9 law.”.

10 (2) TECHNICAL AND CONFORMING AMEND-
 11 MENT.—The analysis for chapter 31 of title 28,
 12 United States Code, is amended by striking the item
 13 for section 530B and inserting the following:

“530B. Ethical standards for Federal prosecutors.”.

14 (3) REGULATIONS.—Not later than 90 days
 15 after the date of enactment of this Act, the Attorney
 16 General shall promulgate such regulations as are
 17 necessary to carry out section 530B of title 28,
 18 United States Code, as added by paragraph (1).

19 (b) PROHIBITED CONDUCT FOR DEPARTMENT OF
 20 JUSTICE EMPLOYEES.—

21 (1) IN GENERAL.—The Attorney General shall
 22 establish by rule that it shall be punishable conduct
 23 for any officer or employee of the Department of
 24 Justice, in the discharge of his or her official duties,
 25 intentionally to—

1 (A) seek the indictment of any person in
2 the absence of a reasonable belief of probable
3 cause, as prohibited by the Principles of Fed-
4 eral Prosecution, United States Attorneys'
5 Manual 9–27.200 et seq.;

6 (B) fail to disclose exculpatory evidence to
7 the defense, in violation of his or her obligations
8 under *Brady v. Maryland* (373 U.S. 83
9 (1963));

10 (C) mislead a court as to the guilt of any
11 person by knowingly making a false statement
12 of material fact or law;

13 (D) offer evidence known to be false;

14 (E) alter evidence in violation of section
15 1512 of title 18, United States Code;

16 (F) attempt to corruptly influence or color
17 a witness's testimony with the intent to encour-
18 age untruthful testimony, in violation of section
19 1503 or 1512 of title 18, United States Code;

20 (G) violate a defendant's right to discovery
21 under Rule 16(a) of the Federal Rules of
22 Criminal Procedure;

23 (H) offer or provide sexual activities to any
24 government witness or potential witness in ex-

change for or on account of his or her testimony; or

(I) improperly disseminate confidential, non-public information to any person during an investigation or trial, in violation of—

(i) section 50.2 of title 28, Code of Federal Regulations;

(ii) rule 6(e) of the Federal Rules of Criminal Procedure;

(iii) subsection (b) or (c) of section 2232 of title 18, United States Code;

(iv) section 6103 of the Internal Revenue Code of 1986; or

(v) United States Attorneys' Manual 1–7.000 et seq.

(2) PENALTIES.—The Attorney General shall establish a range of penalties for engaging in conduct prohibited under paragraph (1), which shall include—

(A) reprimand;

(B) demotion;

(C) dismissal;

(D) suspension from employment;

(E) referral of ethical charges to the bar;

and

1 (F) referral of evidence related to the con-
 2 duct, if appropriate, to a grand jury for possible
 3 criminal prosecution.

4 (3) SUBSTANTIVE RIGHTS.—Nothing in para-
 5 graph (1)—

6 (A) establishes any substantive right on
 7 behalf of a criminal defendant, civil litigant,
 8 target or subject of an investigation, witness,
 9 counsel for a represented party or parties, or
 10 any other person; or

11 (B) provides a basis for—

12 (i) dismissing any criminal or civil
 13 charge or proceeding against any person in
 14 any court of the United States; or

15 (ii) excluding relevant evidence in any
 16 proceeding in any court of the United
 17 States.

18 (c) ANNUAL REPORT.—

19 (1) IN GENERAL.—On June 1 of each year, the
 20 Attorney General shall submit to the Committee on
 21 the Judiciary and the Committee on Appropriations
 22 of the Senate and the Committee on the Judiciary
 23 and the Committee on Appropriations of the House
 24 of Representatives a report on the activities and op-
 25 erations of the Office of Professional Responsibility

1 of the Department of Justice during the fiscal year
 2 that ended on September 30 of the preceding year.

3 (2) ELEMENTS OF REPORT.—A report under
 4 paragraph (1) shall—

5 (A) include the number, type, and disposi-
 6 tion of all investigations conducted or super-
 7 vised by the Office of Professional Responsi-
 8 bility; and

9 (B) include a summary of the findings of
 10 each investigation in which the Department of
 11 Justice found that an officer or employee of the
 12 Department of Justice—

13 (i) engaged in willful misconduct; or

14 (ii) committed a willful violation of
 15 subsection (b)(1).

16 (3) CONFIDENTIALITY.—A report under para-
 17 graph (1) shall be confidential and shall not disclose
 18 information that would interfere with any pending
 19 investigation or improperly infringe on the privacy
 20 rights of any individual.

21 (d) COMMISSION ON FEDERAL PROSECUTORIAL CON-
 22 DUCT.—

23 (1) ESTABLISHMENT AND FUNCTIONS OF COM-
 24 MISSION.—

1 (A) ESTABLISHMENT.—There is estab-
2 lished a Commission on Federal Prosecutorial
3 Conduct (referred to in this subsection as the
4 “Commission”).

5 (B) FUNCTIONS.—The functions of the
6 Commission shall be to—

7 (i) conduct a review regarding—

8 (I) whether there are specific
9 Federal duties related to investigation
10 and prosecution of violations of Fed-
11 eral law which are incompatible with
12 the regulation of the conduct of Fed-
13 eral prosecutors (as that term is de-
14 fined in section 530B of title 28,
15 United States Code) by any State law
16 or rule governing ethical conduct of
17 attorneys; and

18 (II) the procedures utilized by
19 the Department of Justice to inves-
20 tigate and punish inappropriate con-
21 duct by Federal prosecutors; and

22 (ii) not later than 12 months after the
23 date on which the members of the Commis-
24 sion are appointed under paragraph
25 (2)(B), submit to the Attorney General a

1 report concerning the review under clause
2 (i), including any recommendations of the
3 Commission relating to the matters re-
4 viewed under clause (i).

5 (C) CONSULTATION.—In carrying out sub-
6 paragraph (B), the Commission shall consult
7 with the Attorney General, the Chairmen and
8 Ranking Members of the Committees on the
9 Judiciary of the House of Representatives and
10 the Senate, the American Bar Association and
11 other organizations of attorneys, representatives
12 of Federal, State, and local law enforcement
13 agencies, and Federal and State courts.

14 (2) MEMBERSHIP.—

15 (A) IN GENERAL.—The Commission shall
16 be composed of 7 members, each of whom—

17 (i) shall be appointed by the Chief
18 Justice of the United States, after con-
19 sultation with the Chairmen and Ranking
20 Members of the Committees on the Judici-
21 ary of the House of Representatives and
22 the Senate, and representatives of judges,
23 prosecutors, defense attorneys, law enforce-
24 ment officials, victims of crime, and others

1 interested in the criminal justice process;
2 and

3 (ii) shall be a judge of the United
4 States (as defined in section 451 of title
5 28, United States Code).

6 (B) APPOINTMENT.—The members of the
7 Commission shall be appointed not later than
8 30 days after the date of enactment of this Act.

9 (C) VACANCY.—Any vacancy in the Com-
10 mission shall be filled in the same manner as
11 the original appointment.

12 (D) CHAIRPERSON.—The Commission
13 shall elect a chairperson and vice chairperson
14 from among its members.

15 (E) QUORUM.—Four members of the Com-
16 mission shall constitute a quorum, but 2 mem-
17 bers may conduct hearings.

18 (3) COMPENSATION.—Members of the Commis-
19 sion who are officers, or full-time employees, of the
20 United States shall receive no additional compensa-
21 tion for their services, but shall be reimbursed for
22 travel, subsistence, and other necessary expenses in-
23 curred in the performance of duties vested in the
24 Commission, but not in excess of the maximum

1 amounts authorized under section 456 of title 28,
2 United States Code.

3 (4) PERSONNEL.—

4 (A) EXECUTIVE DIRECTOR.—The Commis-
5 sion may appoint an Executive Director, who
6 shall receive compensation at a rate not exceed-
7 ing the rate prescribed for level V of the Execu-
8 tive Schedule under section 5316 of title 5,
9 United States Code.

10 (B) STAFF.—The Executive Director, with
11 the approval of the Commission, may appoint
12 and fix the compensation of such additional
13 personnel as the Executive Director determines
14 to be necessary, without regard to the provi-
15 sions of title 5, United States Code, governing
16 appointments in the competitive service or the
17 provisions of chapter 51 and subchapter III of
18 chapter 53 of such title relating to classification
19 and General Schedule pay rates. Compensation
20 under this subparagraph shall not exceed the
21 annual maximum rate of basic pay for a posi-
22 tion above GS-15 of the General Schedule
23 under section 5108 of title 5, United States
24 Code.

1 (C) EXPERTS AND CONSULTANTS.—The
2 Executive Director may procure personal serv-
3 ices of experts and consultants as authorized by
4 section 3109 of title 5, United States Code, at
5 rates not to exceed the highest level payable
6 under the General Schedule pay rates under
7 section 5332 of title 5, United States Code.

8 (D) SERVICES.—The Administrative Office
9 of the United States Courts shall provide ad-
10 ministrative services, including financial and
11 budgeting services, to the Commission on a re-
12 imbursable basis. The Federal Judicial Center
13 shall provide necessary research services to the
14 Commission on a reimbursable basis.

15 (5) INFORMATION.—The Commission may re-
16 quest from any department, agency, or independent
17 instrumentality of the Federal Government any in-
18 formation and assistance the Commission determines
19 to be necessary to carry out its functions under this
20 subsection. Each such department, agency, and inde-
21 pendent instrumentality may provide such informa-
22 tion and assistance to the extent permitted by law
23 when requested by the chairperson of the Commis-
24 sion.

1 (6) REPORT OF THE ATTORNEY GENERAL.—

2 Not later than 60 days after the date of enactment
3 of this Act, the Attorney General shall submit to the
4 Commission a report, which shall, with respect to
5 the 3-year period preceding the date on which the
6 report is submitted under this paragraph—

7 (A) include the number, type, and disposi-
8 tion of all investigations conducted or super-
9 vised by the Office of Professional Responsi-
10 bility of the Department of Justice;

11 (B) include a summary of the findings of
12 each investigation in which the Department of
13 Justice found that an officer or employee of the
14 Department of Justice engaged in willful mis-
15 conduct; and

16 (C) be confidential and not disclose infor-
17 mation that would interfere with any pending
18 investigation or improperly infringe upon the
19 privacy rights of any individual.

20 (7) TERMINATION.—The Commission shall ter-
21minate 90 days after the date on which the Commis-
22sion submits the report under paragraph (1)(B)(ii).

23 (8) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Com-
25 mission such sums, not to exceed \$900,000, as are

1 necessary to carry out this subsection, to remain
2 available until expended.

3 **SEC. 7322. CLARIFICATION OF OFFICIAL DUTY EXCEPTION.**

4 (a) FINDINGS.—Congress finds that—

5 (1) section 201 of title 18, United States Code,
6 was enacted in 1962 and was amended in 1986 and
7 again in 1994;

8 (2) at the time section 201 of title 18, United
9 States Code, was enacted, and at each of the times
10 it was amended, Congress was aware of, and in-
11 tended to preserve, the traditional law enforcement
12 practice of offering or recommending leniency or
13 other favorable actions with respect to defendants in
14 exchange for truthful testimony or other cooperation
15 in the investigation and prosecution of other offend-
16 ers;

17 (3) the finding in paragraph (2) is based in
18 part on the fact that several Federal statutes, in-
19 cluding chapter 601 of title 18, United States Code
20 (commonly known as the “immunity statute”, the
21 Sentencing Reform Act of 1984 (98 Stat. 1987),
22 and chapter 224 of title 18, United States Code
23 (commonly known as the “Witness Relocation and
24 Protection Act”), authorize prosecutors to give

1 things of value, including immunity, leniency, and
2 physical protection, in return for testimony;

3 (4) in the 37 years since section 201 of title 18,
4 United States Code, was enacted, consistent with the
5 intent of Congress in enacting and amending that
6 section, no Federal court interpreted that section to
7 prohibit the essential law enforcement tool of obtain-
8 ing information and testimony through the use of
9 cooperation agreements between prosecutors and de-
10 fendants, or settlement agreements between civil en-
11 forcement attorneys and defendants;

12 (5) the Supreme Court, in numerous decisions
13 since 1962, including *Giglio v. United States* (405
14 U.S. 150) and *United States v. Mezzanatto* (513
15 U.S. 196), has reviewed and implicitly approved the
16 practice described in paragraph (4);

17 (6) even before the enactment of section 201 of
18 title 18, United States Code, the United States Su-
19 preme Court implicitly endorsed the practice when
20 the Court wrote, in *Lisenba v. California*, that “the
21 practice of taking into consideration, in sentencing
22 an accomplice, his aid to the state in turning state’s
23 evidence can be no denial of due process to a con-
24 victed confederate” (314 U.S. 219, 227);

1 (7) on July 1, 1998, a panel of the United
2 States Court of Appeals for the Tenth Circuit, in
3 United States v. Singleton (109 U.S. 3), ruled
4 that—

5 (A) the language of section 201(c) of title
6 18, United States Code, holding criminally lia-
7 ble whoever “directly or indirectly, gives, offers,
8 or promises anything of value to any person, for
9 or because of the testimony under oath or affir-
10 mation given or to be given by such person as
11 a witness upon a trial, hearing, or other pro-
12 ceeding,” forbids a prosecutor from promising
13 leniency to a cooperating witness in exchange
14 for testimony; and

15 (B) the conviction of a drug dealer and
16 money launderer must be thrown out and the
17 case remanded for a new trial;

18 (8) on July 10, 1998, the Tenth Circuit, on its
19 own motion, vacated the panel decision and ordered
20 that the appeal be reheard en banc in November
21 1998;

22 (9) on January 8, 1999, the Tenth Circuit
23 ruled in Singleton (144 F.3d 1343) that section
24 201(c)(2) of title 18, United States Code, does not
25 apply to the United States or to an Assistant United

1 States Attorney functioning within the official scope
2 of the office; and

3 (10) despite the final ruling of the Tenth Cir-
4 cuit in Singleton, unless there is Federal legislation
5 or a definitive ruling by the United States Supreme
6 Court on this issue, it is likely that accused and con-
7 victed offenders across the Nation will continue to
8 challenge charges and convictions, and seek to pre-
9 clude the admission of truthful testimony in their
10 trials, based on the reasoning in the vacated panel
11 decision, increasing the likelihood that dangerous
12 criminals will be released and that public officials
13 will be deterred from the reasonable exercise of their
14 discretion in the public interest.

15 (b) PURPOSES.—The purposes of this section are—

16 (1) to promote effective law enforcement by en-
17 suring that prosecutors and other public officials, in-
18 cluding civil enforcement officials, continue to em-
19 ploy the traditional and important law enforcement
20 tool of obtaining information and testimony by en-
21 tering into cooperation and settlement agreements in
22 the reasonable exercise of their discretion;

23 (2) to ensure that truthful testimony secured by
24 such agreements will continue to be admitted into
25 evidence in judicial proceedings notwithstanding the

1 fact that such agreements may have been entered
2 into before the date of enactment of this Act; and

3 (3) to clarify, for the benefit of courts inter-
4 preting section 201 of title 18, United States Code,
5 that—

6 (A) Congress has never intended to pro-
7 hibit such agreements; and

8 (B) this Act and the amendments made by
9 this Act are intended to endorse a practice that
10 is already lawful rather than to render lawful a
11 practice previously forbidden by an Act of Con-
12 gress.

13 (c) CLARIFICATION OF OFFICIAL DUTY EXCEP-
14 TION.—Section 201(c) of title 18, United States Code, is
15 amended—

16 (1) in paragraph (2), by inserting before the
17 semicolon at the end the following: “, except that
18 this paragraph does not apply to a public official
19 who is acting within the scope of the official duties
20 of the public official to investigate or prosecute any
21 violation of criminal or civil law”; and

22 (2) in paragraph (3), by inserting before the
23 semicolon at the end the following: “, except that
24 this paragraph does not apply to a potential witness
25 who demands, seeks, receives, accepts, or agrees to

1 receive or accept anything of value that may be di-
2 rectly or indirectly given, offered, or promised con-
3 sistent with paragraph (2)”.
4

5 **CHAPTER 3—AMENDMENTS RELATING TO**
6 **COURTS AND SENTENCING**

7 **SEC. 7331. APPEALS FROM CERTAIN DISMISSALS.**

8 Section 3731 of title 18, United States Code, is
9 amended by inserting “or any part thereof” after “as to
10 any one or more counts”.

11 **SEC. 7332. ELIMINATION OF OUTMODED CERTIFICATION**
12 **REQUIREMENTS.**

13 (a) Section 3731 of title 18, United States Code, is
14 amended in the second paragraph by striking “, if the
15 United States attorney certifies to the district court that
16 the appeal is not taken for purpose of delay and that the
17 evidence is a substantial proof of a fact material in the
18 proceeding”.

19 (b) Section 2518(10)(b) of title 18, United States
20 Code, is amended by striking “, if the United States Attor-
21 ney shall certify to the judge or other official granting
22 such motion or denying such application that the appeal
is not taken for purposes of delay”.

1 **SEC. 7333. IMPROVEMENT OF HATE CRIMES SENTENCING**
2 **PROCEDURE.**

3 Section 280003(b) of Public Law 103–322 is amend-
4 ed by striking “the finder of fact at trial” and inserting
5 “the court at sentencing”.

6 **SEC. 7334. CLARIFICATION OF LENGTH OF SUPERVISED RE-**
7 **LEASE TERMS IN CONTROLLED SUBSTANCE**
8 **CASES.**

9 Subparagraphs (A), (B), (C), and (D) of section
10 401(b)(1) of the Controlled Substances Act (21 U.S.C.
11 841(b)(1)) are each amended by striking “Any sentence”
12 and inserting “Notwithstanding section 3583 of title 18,
13 any sentence”.

14 **SEC. 7335. AUTHORITY OF COURT TO IMPOSE A SENTENCE**
15 **OF PROBATION OR SUPERVISED RELEASE**
16 **WHEN REDUCING A SENTENCE OF IMPRISON-**
17 **MENT IN CERTAIN CASES.**

18 Section 3582(c)(1)(A) of title 18, United States
19 Code, is amended by inserting “(and may impose a sen-
20 tence of supervised release)” after “may reduce the term
21 of imprisonment”.

1 **SEC. 7336. CORRECTION OF ABERRANT STATUTES TO PER-**
2 **MIT IMPOSITION OF BOTH A FINE AND IM-**
3 **PRISONMENT RATHER THAN ONLY EITHER**
4 **PENALTY.**

5 (a) Section 401 of title 18, United States Code, is
6 amended by inserting “or both,” after “fine or imprison-
7 ment,”.

8 (b) Section 1705 of title 18, United States Code, is
9 amended by inserting “, or both” after “years”.

10 (c) Sections 1916, 2234, and 2235 of title 18, United
11 States Code, are each amended by inserting “, or both”
12 after “year”.

13 **SEC. 7337. CLARIFICATION THAT MAKING RESTITUTION IS**
14 **A PROPER CONDITION OF SUPERVISED RE-**
15 **LEASE.**

16 Subsections (c) and (e) of section 3583 of title 18,
17 United States Code, are each amended by striking “and
18 (a)(6)” and inserting “, (a)(6), (a)(7), and (a)(8)”.

19 **SEC. 7338. STATE CLEMENCY AND PARDON DECISIONS.**

20 (a) IN GENERAL.—Chapter 85 of title 28, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 1369. State clemency and pardon decisions**

24 “(a) IN GENERAL.—Except as provided in subsection
25 (b) and notwithstanding any other provision of law, no
26 Federal court shall have jurisdiction to hear any cause or

1 claim arising from the exercise of a State’s executive clem-
 2 ency or pardon power or the process or procedures used
 3 under such power.

4 “(b) REVIEW BY THE SUPREME COURT.—This sec-
 5 tion does not affect the jurisdiction of the Supreme Court
 6 to review any decision of the highest court of a State that
 7 involves a cause or claim arising from the exercise of a
 8 State’s executive clemency or pardon power, or the process
 9 or procedures utilized under such power.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
 11 chapter 85 of title 28, United States Code, is amended
 12 by adding at the end the following:

“1369. State clemency and pardon decisions.”.

13 **CHAPTER 4—AMENDMENTS RELATING TO** 14 **WHITE COLLAR CRIME**

15 **SEC. 7341. CONFORMING ADDITION TO OBSTRUCTION OF** 16 **CIVIL INVESTIGATIVE DEMAND STATUTE.**

17 Section 1505 of title 18, United States Code, is
 18 amended by inserting “section 1968 or 3486 of this title
 19 or” before “the Antitrust Civil Process Act”.

20 **SEC. 7342. ADDITION OF ATTEMPTED THEFT AND COUN-** 21 **TERFEITING OFFENSES TO ELIMINATE GAPS** 22 **AND INCONSISTENCIES IN COVERAGE.**

23 (a) Section 153 of title 18, United States Code, is
 24 amended by inserting “, or attempts so to appropriate,
 25 embezzle, spend or transfer,” before “any property”.

1 (b) Section 641 of title 18, United States Code, is
2 amended by striking “or” at the end of the first paragraph
3 and by inserting after such paragraph the following:
4 “Whoever attempts to commit an offense described in the
5 preceding paragraph; or”.

6 (c) Section 655 of title 18, United States Code, is
7 amended by inserting “or attempts to steal or so take,”
8 after “unlawfully takes,”.

9 (d) Sections 656 and 657 of title 18, United States
10 Code, are each amended—

11 (1) by inserting “, or attempts to embezzle, ab-
12 stract, purloin, or willfully misapply,” after “willfully
13 misapplies”; and

14 (2) by inserting “or attempted to be embezzled,
15 abstracted, purloined, or misapplied” after “mis-
16 applied”.

17 (e) Section 658 of title 18, United States Code, is
18 amended by inserting “or attempts so to remove, dispose
19 of, or convert,” before “any property”.

20 (f) Section 659 of title 18, United States Code, is
21 amended—

22 (1) in the first and third paragraphs by insert-
23 ing “or attempts to embezzle, steal, or so take or
24 carry away,” after “carries away,”; and

1 (2) in the fourth paragraph by inserting “or at-
2 tempts to embezzle, steal, or so take,” before “from
3 any railroad car”.

4 (g) Section 661 of title 18, United States Code, is
5 amended—

6 (1) by inserting “or attempts so to take and
7 carry away,” before “any personal property”; and

8 (2) by inserting “or attempted to be taken”
9 after “taken” each place it appears.

10 (h) Section 664 of title 18, United States Code, is
11 amended by inserting “or attempts to embezzle, steal, or
12 so abstract or convert,” before “any of the moneys”.

13 (i) Section 665(a) of title 18, United States Code,
14 is amended—

15 (1) by inserting “, or attempts to embezzle, so
16 misapply, steal, or obtain by fraud,” before “any of
17 the moneys”; and

18 (2) by inserting “or attempted to be embezzled,
19 misapplied, stolen, or obtained by fraud” after “ob-
20 tained by fraud”.

21 (i) Section 666(a)(1)(A) of title 18, United States
22 Code, is amended by inserting “or attempts to embezzle,
23 steal, obtain by fraud, or so convert or misapply,” before
24 “property”.

1 (j) Section 1025 of title 18, United States Code, is
2 amended—

3 (1) by inserting “or attempts to obtain” after
4 “obtains”; and

5 (2) by inserting “or attempted to be obtained”
6 after “obtained”.

7 (k) Section 1163 of title 18, United States Code, is
8 amended by inserting “attempts so to embezzle, steal, con-
9 vert, or misapply,” after “willfully misapplies,”.

10 (l) Sections 1167(a) and (b) of title 18, United States
11 Code, are each amended by inserting “or attempts so to
12 abstract, purloin, misapply, or take and carry away,” be-
13 fore “any money”.

14 (m) Sections 1168(a) and (b) of title 18, United
15 States Code, are each amended by inserting “or attempts
16 so to embezzle, abstract, purloin, misapply, or take and
17 carry away,” before “any moneys,”.

18 (n) Section 1707 of title 18, United States Code, is
19 amended by inserting “, or attempts to steal, purloin, or
20 embezzle,” before “any property” and by inserting “or at-
21 tempts to appropriate” after “appropriates”.

22 (o) Section 1708 of title 18, United States Code, is
23 amended in the second paragraph by inserting “or at-
24 tempts to steal, take, or abstract,” after “abstracts,” and
25 by inserting “, or attempts so to obtain,” after “obtains”.

1 (p) Section 1709 of title 18, United States Code is
2 amended—

3 (1) by inserting “or attempts to embezzle” after
4 “embezzles”; and

5 (2) by inserting “, or attempts to steal, ab-
6 stract, or remove,” after “removes”.

7 (q) Section 1711 of title 18, United States Code, is
8 amended by inserting “or attempts to loan, use, pledge,
9 hypothecate, or convert to his own use,” after “use”.

10 (r) Section 2113(b) of title 18, United States Code,
11 is amended by inserting “or attempts so to take and carry
12 away,” before “any property” each place it appears.

13 (s) Section 669(a) of title 18, United States Code,
14 is amended by inserting “, or attempts to embezzle, steal,
15 convert without authority, or intentionally misapply,” be-
16 fore “any of the moneys”.

17 (t) Section 477 of title 18, United States Code, is
18 amended by inserting “, or attempts so to sell, give, or
19 deliver,” before “any such imprint”.

20 (u) Section 479 of title 18, United States Code, is
21 amended by inserting “or attempts to utter or pass,” after
22 “passes,”.

23 (v) Section 490 of title 18, United States Code, is
24 amended by inserting “attempts to pass, utter, or sell,”
25 before “or possesses”.

1 (w) Section 513(a) of title 18, United States Code,
2 is amended by inserting “or attempts to utter,” after “ut-
3 ters”.

4 **SEC. 7343. LARCENY INVOLVING POST OFFICE BOXES AND**
5 **POSTAL STAMP VENDING MACHINES.**

6 Section 2115 of title 18, United States Code, is
7 amended—

8 (1) by striking “or” before “any building”;

9 (2) by inserting “or any post office box or post-
10 al stamp vending machine for the sale of stamps
11 owned by the Postal Service,” after “used in whole
12 or in part as a post office,”; and

13 (3) by inserting “or in such box or machine,”
14 after “so used”.

15 **SEC. 7344. THEFT OF VESSELS.**

16 (a) Section 2311 of title 18, United States Code, is
17 amended by adding at the end the following:

18 “() ‘Vessel’ means any watercraft or other
19 contrivance used or designed for transportation or
20 navigation on, under, or immediately above, water.”.

21 (b) Sections 2312 and 2313 of title 18, United States
22 Code, are each amended by striking “motor vehicle or air-
23 craft” and inserting “motor vehicle, vessel, or aircraft”.

1 **SEC. 7345. CONFORMING AMENDMENT TO LAW PUNISHING**
2 **OBSTRUCTION OF JUSTICE BY NOTIFICATION**
3 **OF EXISTENCE OF A SUBPOENA FOR**
4 **RECORDS IN CERTAIN TYPES OF INVESTIGA-**
5 **TIONS.**

6 Section 1510(b)(3)(B) of title 18, United States
7 Code, is amended—

8 (1) by striking “or” at the end of subparagraph
9 (i);

10 (2) by striking the period and inserting “; or”
11 at the end of subparagraph (ii); and

12 (3) by adding the following new subparagraph:

13 “(iii) the Controlled Substances Act,
14 the Controlled Substances Import and Ex-
15 port Act, or section 60501 of the Internal
16 Revenue Code of 1986.”.

17 **SEC. 7346. CONFORMING AMENDMENT TO INJUNCTION**
18 **AGAINST FRAUD STATUTE.**

19 Section 1345(a)(2) of title 18, United States Code,
20 is amended by inserting “violation of this chapter or sec-
21 tion 287, 371 (insofar as such violation involves a con-
22 spiracy to defraud the United States or any agency there-
23 of), or 1001 of this title or of a” after “as a result of
24 a”.

1 **SEC. 7347. CORRECTION OF ERROR IN PERJURY RECANTA-**
2 **TION STATUTE.**

3 Section 1623(d) of title 18, United States Code, is
4 amended by striking “or” the second place it appears and
5 inserting “and”.

6 **SEC. 7348. ELIMINATION OF PROOF OF VALUE REQUIRE-**
7 **MENT FOR FELONY THEFT OR CONVERSION**
8 **OF GRAND JURY MATERIAL.**

9 Section 641 of title 18, United States Code, is
10 amended by striking “but if the value of such property
11 does not exceed the sum of \$1,000, he” and inserting “but
12 if the value of such property, other than property consti-
13 tuting ‘matters occurring before the grand jury’ within the
14 meaning of Rule 6(e) of the Federal Rules of Criminal
15 Procedure, does not exceed the sum of \$1000,”.

16 **SEC. 7349. AMENDMENT OF INTERSTATE TRAVEL FRAUD**
17 **STATUTE TO COVER TRAVEL BY PERPE-**
18 **TRATOR.**

19 Section 2314 of title 18, United States Code, is
20 amended in the second undesignated paragraph by insert-
21 ing “travels in or” before “transports or causes to be
22 transported”.

23 **SEC. 7350. MARIJUANA PLANTS.**

24 Section 1010(b)(4) of the Controlled Substances Im-
25 port and Export Act (21 U.S.C. 960(b)(4)) is amended
26 by striking “except in the case of 100 or more marihuana

1 plants” and inserting “except in the case of 50 or more
2 marihuana plants”.

3 **SEC. 7351. PARTICIPATION OF FOREIGN AND STATE GOV-**
4 **ERNMENT PERSONNEL UNDER FEDERAL SU-**
5 **PERVISION IN CERTAIN INTERCEPTIONS.**

6 Section 2518(5) of title 18, United States Code, is
7 amended by inserting “(including personnel of a foreign
8 government or of a State or subdivision of a State or of
9 an Indian tribe)” after “Government personnel”.

10 **SEC. 7352. CONFORMING AMENDMENTS RELATING TO SU-**
11 **PERVISED RELEASE.**

12 (a) Sections 1512(a)(1)(C), 1512(b)(3), 1512(c)(2),
13 1513(a)(1)(B), and 1513(b)(2) of title 18, United States
14 Code, are each amended by striking “violation of condi-
15 tions of probation, parole or release pending judicial pro-
16 ceedings” and inserting “violation of conditions of proba-
17 tion, supervised release, parole, or release pending judicial
18 proceedings”.

19 (b) Section 3142 of title 18, United States Code, is
20 amended—

21 (1) in subsection (d)(1), by inserting “, super-
22 vised release,” after “probation”; and

23 (2) in subsection (g)(3), by inserting “or super-
24 vised release” after “probation”.

1 **SEC. 7353. STRENGTHENING OF STATUTE PUNISHING EVA-**
2 **SION OR EMBEZZLEMENT OF CUSTOMS DU-**
3 **TIES.**

4 Section 542 of title 18, United States Code, is
5 amended—

6 (1) by striking “two years” and inserting “five
7 years”; and

8 (2) by inserting after the third undesignated
9 paragraph the following: “This section shall not be
10 construed to require proof of any mental state with
11 respect to whether the defendant’s willful act or
12 omission would deprive the government of any lawful
13 duties.”.

14 **SEC. 7354. COVERAGE OF FOREIGN BANK BRANCHES IN**
15 **THE TERRITORIES.**

16 Section 20(9) of title 18, United States Code, is
17 amended by inserting before the period the following: “,
18 except that for purposes of this section the definition of
19 the term ‘State’ in such Act shall be deemed to include
20 a commonwealth, territory, or possession of the United
21 States”.

22 **SEC. 7355. CONFORMING STATUTE OF LIMITATIONS**
23 **AMENDMENT FOR CERTAIN BANK FRAUD OF-**
24 **FENSES.**

25 Section 3293 of title 18, United States Code, is
26 amended—

1 (1) by inserting “225,” after “215,”; and

2 (2) by inserting “1032,” before “1033”.

3 **SEC. 7356. CLARIFYING AMENDMENT TO SECTION 704.**

4 Section 704(b)(2) of title 18, United States Code, is
5 amended by striking “with respect to a Congressional
6 Medal of Honor”.

7 **SEC. 7357. AMENDMENT TO SECTION 1547 TO CONFORM TO**

8 **ENACTMENT OF THE IMMIGRATION BILL.**

9 Section 1547 of title 18, United States Code, is
10 amended by striking “under this chapter (other than an
11 offense under section 1545)” and inserting “under section
12 1546(b)”.

13 **SEC. 7358. EXPANDED JURISDICTION OVER CHILD BUYING**

14 **AND SELLING OFFENSES IN FEDERAL EN-**

15 **CLAVES.**

16 Section 2251A(c)(3) of title 18, United States Code,
17 is amended by striking “in any territory or possession of
18 the United States” and inserting “in the special maritime
19 and territorial jurisdiction of the United States or in any
20 commonwealth, territory, or possession of the United
21 States”.

1 **SEC. 7359. TECHNICAL AMENDMENT TO RESTORE WIRETAP**
2 **AUTHORITY FOR CERTAIN MONEY LAUN-**
3 **DERING OFFENSES.**

4 Section 2516(1)(g) of title 18, United States Code,
5 is amended by striking “a violation of section 5322 of title
6 31, United States Code (dealing with the reporting of cur-
7 rency transactions)” and inserting “a violation of section
8 5322 or 5324 of title 31, United States Code (dealing with
9 the reporting and illegal structuring of currency trans-
10 actions)”.

11 **SEC. 7360. FLUNITRAZEPAM PENALTIES.**

12 Section 401(b) of the Controlled Substances Act (21
13 U.S.C. 841(b)) is amended—

14 (1) in subparagraph (1)(C), by striking “1
15 gram of” before “flunitrazepam,”; and

16 (2) in subparagraph (1)(D), by striking “or 30
17 grams of flunitrazepam,”.

18 **SEC. 7361. REMOVAL OF THE SUNSET PROVISION FOR THE**
19 **S VISA CLASSIFICATION PROGRAM.**

20 Section 214(k)(2) of the Immigration and Nationality
21 Act of 1952, as amended (8 U.S.C. 1184(k)(2)) is re-
22 pealed.

23 **SEC. 7362. REPEAL OF DUPLICATIVE PROCEDURES.**

24 Section 408 of the Controlled Substances Act (21
25 U.S.C. 848) is amended—

1 (1) by striking subsections (g) through (p),
2 (q)(1) through (3), and (r); and

3 (2) by redesignating subsections (q)(4) through
4 (10) as subsections (f)(1) through (7).

5 **SEC. 7363. REPEAL OF OUTMODED PROVISIONS RELATING**
6 **TO THE CANAL ZONE.**

7 (a) Section 14 of title 18, United States Code, and
8 the item relating thereto in the chapter analysis for chap-
9 ter 1 of title 18, United States Code, are repealed.

10 (b) Section 1261 of title 18, United States Code, is
11 amended—

12 (1) by striking “(a) The Secretary” and insert-
13 ing “The Secretary”; and

14 (2) by striking subsection (b).

15 (c) Section 3183 of title 18, United States Code, is
16 amended by striking “or the Panama Canal Zone,”.

17 (d) Section 3241 of title 18, United States Code, is
18 amended by striking “United States District Court for the
19 Canal Zone and the”.

20 (e) This section, except subsection (d), shall take ef-
21 fect on January 1, 2000.

1 **SEC. 7364. PREVENTION OF FRAUDS INVOLVING AIRCRAFT**
2 **OR SPACE VEHICLE PARTS IN INTERSTATE**
3 **OR FOREIGN COMMERCE.**

4 (a) DEFINITIONS.—Section 31 of title 18, United
5 States Code, is amended by striking all after the section
6 heading and inserting the following:

7 “(a) IN GENERAL.—

8 “(1) AIRCRAFT.—The term ‘aircraft’ means a
9 civil, military, or public contrivance invented, used,
10 or designed to navigate, fly, or travel in the air.

11 “(2) AVIATION QUALITY.—The term ‘aviation
12 quality’, with respect to a part of an aircraft or
13 space vehicle, means the quality of having been man-
14 ufactured, constructed, produced, repaired, over-
15 hauled, rebuilt, reconditioned, or restored in con-
16 formity with applicable standards specified by law
17 (including a regulation) or contract.

18 “(3) DESTRUCTIVE SUBSTANCE.—The term
19 ‘destructive substance’ means an explosive sub-
20 stance, flammable material, infernal machine, or
21 other chemical, mechanical, or radioactive device or
22 matter of a combustible, contaminative, corrosive, or
23 explosive nature.

24 “(4) IN FLIGHT.—The term ‘in flight’ means—

25 “(A) any time from the moment at which
26 all the external doors of an aircraft are closed

1 following embarkation until the moment when
2 any such door is opened for disembarkation;
3 and

4 “(B) in the case of a forced landing, until
5 competent authorities take over the responsi-
6 bility for the aircraft and the persons and prop-
7 erty on board.

8 “(5) IN SERVICE.—The term ‘in service’
9 means—

10 “(A) any time from the beginning of pre-
11 flight preparation of an aircraft by ground per-
12 sonnel or by the crew for a specific flight until
13 24 hours after any landing; and

14 “(B) in any event includes the entire pe-
15 riod during which the aircraft is in flight.

16 “(6) MOTOR VEHICLE.—The term ‘motor vehi-
17 cle’ means every description of carriage or other con-
18 trivance propelled or drawn by mechanical power
19 and used for commercial purposes on the highways
20 in the transportation of passengers, passengers and
21 property, or property or cargo.

22 “(7) PART.—The term ‘part’ means a frame,
23 assembly, component, appliance, engine, propeller,
24 material, part, spare part, piece, section, or related
25 integral or auxiliary equipment.

1 “(8) SPACE VEHICLE.—The term ‘space vehicle’
 2 means a man-made device, either manned or un-
 3 manned, designed for operation beyond the Earth’s
 4 atmosphere.

5 “(9) STATE.—The term ‘State’ means a State
 6 of the United States, the District of Columbia, and
 7 any commonwealth, territory, or possession of the
 8 United States.

9 “(10) USED FOR COMMERCIAL PURPOSES.—
 10 The term ‘used for commercial purposes’ means the
 11 carriage of persons or property for any fare, fee,
 12 rate, charge or other consideration, or directly or in-
 13 directly in connection with any business, or other
 14 undertaking intended for profit.

15 “(b) TERMS DEFINED IN OTHER LAW.—In this
 16 chapter, the terms ‘aircraft engine’, ‘air navigation facil-
 17 ity’, ‘appliance’, ‘civil aircraft’, ‘foreign air commerce’,
 18 ‘interstate air commerce’, ‘landing area’, ‘overseas air
 19 commerce’, ‘propeller’, ‘spare part’, and ‘special aircraft
 20 jurisdiction of the United States’ have the meanings given
 21 those terms in sections 40102(a) and 46501 of title 49.”.

22 (b) FRAUD.—

23 (1) IN GENERAL.—Chapter 2 of title 18, United
 24 States Code, is amended by adding at the end the
 25 following:

1 **“§ 38. Fraud involving aircraft or space vehicle parts**
 2 **in interstate or foreign commerce**

3 “(a) OFFENSES.—A person that, in or affecting
 4 interstate or foreign commerce, knowingly—

5 “(1)(A) falsifies or conceals a material fact;

6 “(B) makes any materially fraudulent represen-
 7 tation; or

8 “(C) makes or uses any materially false writing,
 9 entry, certification, document, record, data plate,
 10 label, or electronic communication;
 11 concerning any aircraft or space vehicle part;

12 “(2) exports from or imports or introduces into
 13 the United States, sells, trades, installs on or in any
 14 aircraft or space vehicle any aircraft or space vehicle
 15 part using or by means of a fraudulent representa-
 16 tion, document, record, certification, depiction, data
 17 plate, label, or electronic communication; or

18 “(3) attempts or conspires to commit an offense
 19 described in paragraph (1) or (2);

20 shall be punished as provided in subsection (b).

21 “(b) PENALTIES.—The punishment for an offense
 22 under subsection (a) is as follows:

23 “(1) AVIATION QUALITY.—If the offense relates
 24 to the aviation quality of a part and the part is in-
 25 stalled in an aircraft or space vehicle, a fine of not

1 more than \$500,000, imprisonment for not more
2 than 25 years, or both.

3 “(2) FAILURE TO OPERATE AS REP-
4 RESENTED.—If, by reason of the failure of the part
5 to operate as represented, the part to which the of-
6 fense is related is the probable cause of a malfunc-
7 tion or failure that results in serious bodily injury
8 (as defined in section 1365) to or the death of any
9 person, a fine of not more than \$1,000,000, impris-
10 onment for any term of years or life, or both.

11 “(3) ORGANIZATIONS.—If the offense is com-
12 mitted by an organization, a fine of not more than
13 \$25,000,000.

14 “(4) OTHER CIRCUMSTANCES.—In the case of
15 an offense not described in paragraph (1), (2), or
16 (3), a fine under this title, imprisonment for not
17 more than 15 years, or both.

18 “(c) CIVIL REMEDIES.—

19 “(1) IN GENERAL.—The district courts of the
20 United States shall have jurisdiction to prevent and
21 restrain violations of this section by issuing appro-
22 priate orders, including—

23 “(A) ordering a person CONVICTED OF AN
24 OFFENSE UNDER THIS SECTION to divest any
25 interest, direct or indirect, in any enterprise, or

1 to destroy, or to mutilate and sell as scrap, air-
 2 craft material or part inventories or stocks;

3 “(B) imposing reasonable restrictions on
 4 the future activities or investments of any such
 5 person, including prohibiting engagement in the
 6 same type of endeavor as used to commit the
 7 offense; and

8 “(C) ordering dissolution or reorganization
 9 of any enterprise, making due provisions for the
 10 rights and interests of innocent persons.

11 “(2) RESTRAINING ORDERS AND PROHIBI-
 12 TION.—Pending final determination of a proceeding
 13 brought under this section, the court may enter such
 14 restraining orders or prohibitions, or take such other
 15 actions (including the acceptance of satisfactory per-
 16 formance bonds) as the court deems proper.

17 “(3) ESTOPPEL.—A final judgment rendered in
 18 favor of the United States in any criminal pro-
 19 ceeding brought under this section shall estop the
 20 defendant from denying the essential allegations of
 21 the criminal offense in any subsequent civil pro-
 22 ceeding brought by the United States.

23 “(d) CRIMINAL FORFEITURE.—

24 “(1) IN GENERAL.—The court, in imposing sen-
 25 tence on any person convicted of an offense under

1 this section, shall order, in addition to any other
2 sentence and irrespective of any provision of State
3 law, that the person forfeit to the United States—

4 “(A) any property constituting, or derived
5 from, any proceeds that the person obtained, di-
6 rectly or indirectly, as a result of the offense;
7 and

8 “(B) any property used, or intended to be
9 used in any manner, to commit or facilitate the
10 commission of the offense.

11 “(2) APPLICATION OF OTHER LAW.—The for-
12 feiture of property under this section, including any
13 seizure and disposition of the property, and any pro-
14 ceedings relating to the property, shall be governed
15 by section 413 of the Comprehensive Drug Abuse
16 and Prevention Act of 1970 (21 U.S.C. 853) (not
17 including subsection (d) of that section).

18 “(e) CONSTRUCTION WITH OTHER LAW.—This sec-
19 tion does not preempt or displace any other remedy, civil
20 or criminal, provided by Federal or State law for the
21 fraudulent importation, sale, trade, installation, or intro-
22 duction into commerce of an aircraft or space vehicle part.

23 “(f) TERRITORIAL SCOPE.—This section applies to
24 conduct occurring inside or outside the United States.

1 “(g) AUTHORIZED INVESTIGATIVE DEMAND PROCE-
2 DURES.—

3 “(1) AUTHORIZATION.—

4 “(A) SUBPOENAS.—In any investigation
5 relating to any act or activity involving an of-
6 fense under this section, the Attorney General
7 may issue in writing and cause to be served a
8 subpoena—

9 “(i) requiring the production of any
10 record (including any book, paper, docu-
11 ment, electronic medium, or other object or
12 tangible thing) that may be relevant to an
13 authorized law enforcement inquiry, that a
14 person or legal entity may possess or have
15 care or custody of or control over; and

16 “(ii) requiring a custodian of a record
17 to give testimony concerning the produc-
18 tion and authentication of the record.

19 “(B) CONTENTS.—A subpoena under sub-
20 paragraph (A) shall—

21 “(i) describe the object required to be
22 produced; and

23 “(ii) prescribe a return date within a
24 reasonable period of time within which the
25 object can be assembled and produced.

1 “(C) LIMITATION.—The production of a
 2 record shall not be required under this section
 3 at any place more than 500 miles from the
 4 place at which the subpoena for the production
 5 of the record is served.

6 “(D) WITNESS FEES.—A witness sum-
 7 moned under this section shall be paid the same
 8 fees and mileage as are paid witnesses in courts
 9 of the United States.

10 “(b) SERVICE.—

11 “(1) IN GENERAL.—A subpoena issued under
 12 subsection (a) may be served by any person who is
 13 at least 18 years of age and is designated in the
 14 subpoena to serve the subpoena.

15 “(2) NATURAL PERSONS.—Service of a sub-
 16 poena issued under subsection (a) on a natural per-
 17 son may be made by personal delivery of the sub-
 18 poena to the person.

19 “(3) CORPORATIONS AND OTHER ORGANIZA-
 20 TIONS.—Service of a subpoena issued under sub-
 21 section (a) on a domestic or foreign corporation or
 22 on a partnership or other unincorporated association
 23 that is subject to suit under a common name may
 24 be made by delivering the subpoena to an officer, to
 25 a managing or general agent, or to any other agent

1 authorized by appointment or by law to receive serv-
2 ice of process for the corporation, partnership, or as-
3 sociation.

4 “(4) PROOF OF SERVICE.—The affidavit of the
5 person serving the subpoena entered or a true copy
6 of such an affidavit shall be proof of service.

7 “(c) ENFORCEMENT.—

8 “(1) IN GENERAL.—In the case of a failure to
9 comply with a subpoena issued under subsection (a),
10 the Attorney General may invoke the aid of any
11 court of the United States within the jurisdiction of
12 which the investigation is carried on or of which the
13 subpoenaed person is an inhabitant, or in which the
14 subpoenaed person carries on business or may be
15 found, to compel compliance with the subpoena.

16 “(2) ORDERS.—The court may issue an order
17 requiring the subpoenaed person to appear before
18 the Attorney General to produce a record or to give
19 testimony concerning the production and authentica-
20 tion of a record.

21 “(3) CONTEMPT.—Any failure to obey the order
22 of the court may be punished by the court as a con-
23 tempt of court.

1 “(4) PROCESS.—All process in a case under
2 this subsection may be served in any judicial district
3 in which the subpoenaed person may be found.

4 “(d) IMMUNITY FROM CIVIL LIABILITY.—Notwith-
5 standing any Federal, State, or local law, any person (in-
6 cluding any officer, agent, or employee of a person) that
7 receives a subpoena under this section, who complies in
8 good faith with the subpoena and produces a record or
9 material sought by a subpoena under this section, shall
10 not be liable in any court of any State or the United States
11 to any customer or other person for the production or for
12 nondisclosure of the production to the customer.”.

13 (2) CONFORMING AMENDMENTS.—

14 (A) CHAPTER ANALYSIS.—The analysis for
15 chapter 2 of title 18, United States Code, is
16 amended by adding at the end the following:

“38. Fraud involving aircraft or space vehicle parts in interstate or foreign com-
 merce.”.

17 (B) WIRE AND ELECTRONIC COMMUNICA-
18 TIONS.—Section 2516(1)(c) of title 18, United
19 States Code, is amended by inserting “section
20 38 (relating to aircraft parts fraud),” after
21 “section 32 (relating to destruction of aircraft
22 or aircraft facilities),”.

**CHAPTER 5—FRAUD AGAINST THE
ELDERLY**

SEC. 7471. DEFINITIONS.

In this chapter:

(1) **CRIME.**—The term “crime” means any criminal offense under Federal or State law.

(2) **NURSING HOME.**—The term “nursing home” means any institution or residential care facility defined as such for licensing purposes under State law, or if State law does not employ the term nursing home, the equivalent term or terms as determined by the Secretary of Health and Human Services, pursuant to section 1908(e) of the Social Security Act (42 U.S.C. 1396g(e)).

(3) **SENIOR.**—The term “senior” means an individual who is more than 55 years of age.

**SEC. 7472. INCLUSION OF SENIORS IN NATIONAL CRIME
VICTIMIZATION SURVEY.**

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors; and

1 (2) crime risk factors for seniors, including the
 2 times and locations at which crimes victimizing sen-
 3 iors are most likely to occur; and

4 (3) specific characteristics of the victims of
 5 crimes who are seniors, including age, gender, race
 6 or ethnicity, and socioeconomic status.

7 **SEC. 7473. ENHANCED SENTENCING PENALTIES BASED ON**
 8 **AGE OF VICTIM.**

9 (a) DIRECTIVE TO THE UNITED STATES SEN-
 10 TENCING COMMISSION.—In the exercise of its authority
 11 under section 994(p) of title 28, United States Code, and
 12 in accordance with this section, the United States Sen-
 13 tencing Commission shall review and, if appropriate,
 14 amend section 3A1.1(a) of the Federal sentencing guide-
 15 lines to include the age of a crime victim as 1 of the cri-
 16 teria for determining whether the application of a sen-
 17 tencing enhancement is appropriate.

18 (b) REQUIREMENTS.—In carrying out this section,
 19 the Commission shall—

20 (1) ensure that the Federal sentencing guide-
 21 lines and the policy statements of the Commission
 22 reflect the serious economic and physical harms as-
 23 sociated with criminal activity targeted at seniors
 24 due to their particular vulnerability;

1 (2) consider providing increased penalties for
2 persons convicted of offenses in which the victim was
3 a senior in appropriate circumstances;

4 (3) consult with individuals or groups rep-
5 resenting seniors, law enforcement agencies, victims
6 organizations, and the Federal judiciary, as part of
7 the review described in subsection (a);

8 (4) ensure reasonable consistency with other
9 Federal sentencing guidelines and directives;

10 (5) account for any aggravating or mitigating
11 circumstances that may justify exceptions, including
12 circumstances for which the Federal sentencing
13 guidelines provide sentencing enhancements;

14 (6) make any necessary conforming changes to
15 the Federal sentencing guidelines; and

16 (7) ensure that the Federal sentencing guide-
17 lines adequately meet the purposes of sentencing set
18 forth in section 3553(a)(2) of title 18, United States
19 Code.

20 (c) REPORT.—Not later than December 31, 2000, the
21 Commission shall submit to Congress a report on issues
22 relating to the age of crime victims, which shall include—

23 (1) an explanation of any changes to sentencing
24 policy made by the Commission under this section;
25 and

1 (2) any recommendations of the Commission for
2 retention or modification of penalty levels, including
3 statutory penalty levels, for offenses involving sen-
4 iors.

5 **SEC. 7474. STUDY AND REPORT ON HEALTH CARE FRAUD**
6 **SENTENCES.**

7 (a) **DIRECTIVE TO THE UNITED STATES SEN-**
8 **TENCING COMMISSION.**—Pursuant to its authority under
9 section 994(p) of title 28, United States Code, and in ac-
10 cordance with this section, the United States Sentencing
11 Commission shall review and, if appropriate, amend the
12 Federal sentencing guidelines and the policy statements
13 of the Commission with respect to persons convicted of
14 offenses involving fraud in connection with a health care
15 benefit program (as defined in section 24(b) of title 18,
16 United States Code).

17 (b) **REQUIREMENTS.**—In carrying out this section,
18 the Commission shall—

19 (1) ensure that the Federal sentencing guide-
20 lines and the policy statements of the Commission
21 reflect the serious harms associated with health care
22 fraud and the need for aggressive and appropriate
23 law enforcement action to prevent such fraud;

1 (2) consider providing increased penalties for
2 persons convicted of health care fraud in appropriate
3 circumstances;

4 (3) consult with individuals or groups rep-
5 resenting victims of health care fraud, law enforce-
6 ment agencies, the health care industry, and the
7 Federal judiciary as part of the review described in
8 subsection (a);

9 (4) ensure reasonable consistency with other
10 Federal sentencing guidelines and directives;

11 (5) account for any aggravating or mitigating
12 circumstances that might justify exceptions, includ-
13 ing circumstances for which the Federal sentencing
14 guidelines provide sentencing enhancements;

15 (6) make any necessary conforming changes to
16 the Federal sentencing guidelines; and

17 (7) ensure that the Federal sentencing guide-
18 lines adequately meet the purposes of sentencing as
19 set forth in section 3553(a)(2) of title 18, United
20 States Code.

21 (c) REPORT.—Not later than December 31, 2000, the
22 Commission shall submit to Congress a report on issues
23 relating to offenses described in subsection (a), which shall
24 include—

1 (1) an explanation of any changes to sentencing
 2 policy made by the Commission under this section;
 3 and

4 (2) any recommendations of the Commission for
 5 retention or modification of penalty levels, including
 6 statutory penalty levels, for those offenses.

7 **SEC. 7475. INCREASED PENALTIES FOR FRAUD RESULTING**
 8 **IN SERIOUS INJURY OR DEATH.**

9 Sections 1341 and 1343 of title 18, United States
 10 Code, are each amended by inserting before the last sen-
 11 tence the following: “If the violation results in serious bod-
 12 ily injury (as defined in section 1365 of this title), such
 13 person shall be fined under this title, imprisoned not more
 14 than 20 years, or both, and if the violation results in
 15 death, such person shall be fined under this title, impris-
 16 oned for any term of years or life, or both.”.

17 **SEC. 7476. TELEMARKETING SCAMS.**

18 (a) EXPANSION OF SCOPE OF TELEMARKETING
 19 FRAUD SUBJECT TO ENHANCED CRIMINAL PENALTIES.—
 20 Section 2325(1) of title 18, United States Code, is amend-
 21 ed by striking “telephone calls” and inserting “wire com-
 22 munications utilizing a telephone service”.

23 (b) BLOCKING OR TERMINATION OF TELEPHONE
 24 SERVICE ASSOCIATED WITH TELEMARKETING FRAUD.—

1 (1) IN GENERAL.—Chapter 113A of title 18,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 2328. Blocking or termination of telephone service**

5 “(a) DEFINITIONS.—In this section:

6 “(1) REASONABLE NOTICE TO THE SUB-
7 SCRIBER.—

8 “(A) IN GENERAL.—The term ‘reasonable
9 notice to the subscriber’, in the case of a sub-
10 scriber of a common carrier, means any infor-
11 mation necessary to provide notice to the sub-
12 scriber that—

13 “(i) the wire communications facilities
14 furnished by the common carrier may not
15 be used for the purpose of transmitting,
16 receiving, forwarding, or delivering a wire
17 communication in interstate or foreign
18 commerce for the purpose of executing any
19 scheme or artifice to defraud in connection
20 with the conduct of telemarketing; and

21 “(ii) such use constitutes sufficient
22 grounds for the immediate discontinuance
23 or refusal of the leasing, furnishing, or
24 maintaining of the facilities to or for the
25 subscriber.

1 “(B) INCLUDED MATTER.—The term in-
2 cludes any tariff filed by the common carrier
3 with the Federal Communications Commission
4 that contains the information specified in sub-
5 paragraph (A).

6 “(2) WIRE COMMUNICATION.—The term ‘wire
7 communication’ has the meaning given that term in
8 section 2510(1) of this title.

9 “(3) WIRE COMMUNICATIONS FACILITY.—The
10 term ‘wire communications facility’ means any facil-
11 ity (including instrumentalities, personnel, and serv-
12 ices) used by a common carrier for purposes of the
13 transmission, receipt, forwarding, or delivery of wire
14 communications.

15 “(b) IN GENERAL.—If a common carrier subject to
16 the jurisdiction of the Federal Communications Commis-
17 sion is notified in writing by the Attorney General, acting
18 within the Attorney General’s jurisdiction, that any wire
19 communications facility furnished by such common carrier
20 is being used or will be used by a subscriber for the pur-
21 pose of transmitting or receiving a wire communication
22 in interstate or foreign commerce for the purpose of exe-
23 cuting any scheme or artifice to defraud, or for obtaining
24 money or property by means of false or fraudulent pre-
25 tenses, representations, or promises, in connection with

1 the conduct of telemarketing, the common carrier shall
 2 discontinue or refuse the leasing, furnishing, or maintain-
 3 ing of the facility to or for the subscriber after reasonable
 4 notice to the subscriber.

5 “(c) PROHIBITION OF DAMAGES.—No damages, pen-
 6 alty, or forfeiture, whether civil or criminal, shall be found
 7 or imposed against any common carrier for any act done
 8 by the common carrier in compliance with a notice re-
 9 ceived from the Attorney General under this section.

10 “(d) RELIEF.—

11 “(1) IN GENERAL.—Nothing in this section
 12 may be construed to prejudice the right of any per-
 13 son affected thereby to secure an appropriate deter-
 14 mination, as otherwise provided by law, in a Federal
 15 court, that—

16 “(A) the leasing, furnishing, or maintain-
 17 ing of a facility should not be discontinued or
 18 refused under this section; or

19 “(B) the leasing, furnishing, or maintain-
 20 ing of a facility that has been so discontinued
 21 or refused should be restored.

22 “(2) SUPPORTING INFORMATION.—In any ac-
 23 tion brought under this subsection, the court may
 24 direct that the Attorney General present evidence in

1 support of the notice made under subsection (a) to
 2 which such action relates.”.

3 (2) CONFORMING AMENDMENT.—The analysis
 4 for that chapter is amended by adding at the end
 5 the following:

“2328. Blocking or termination of telephone service.”.

6 **SEC. 7477. GRAND JURY DISCLOSURE IN INVESTIGATIONS**
 7 **OF HEALTH CARE OFFENSES.**

8 Section 3322 of title 18, United States Code, is
 9 amended—

10 (1) by redesignating subsections (c) and (d) as
 11 subsections (d) and (e), respectively; and

12 (2) by inserting after subsection (b) the fol-
 13 lowing:

14 “(c) GRAND JURY DISCLOSURE.—Subject to section
 15 3486(f), upon ex parte motion of an attorney for the gov-
 16 ernment showing that such disclosure would be of assist-
 17 ance to enforce any provision of Federal law, a court may
 18 direct the disclosure of any matter occurring before a
 19 grand jury during an investigation of a Federal health
 20 care offense (as defined in section 24(a) of this title) to
 21 an attorney for the government to use in any investigation
 22 or civil proceeding relating to fraud or false claims in con-
 23 nection with a Federal health care program (as defined
 24 in section 1128B(f) of the Social Security Act (42 U.S.C.
 25 1320a–7b(f))).”.

1 **SEC. 7478. VICTIM RESTITUTION.**

2 Section 413 of the Controlled Substances Act (21
3 U.S.C. 853) is amended by adding at the end the fol-
4 lowing:

5 “(r) VICTIM RESTITUTION.—

6 “(1) DEFINITION OF VICTIM.—

7 “(A) IN GENERAL.—In this subsection, the
8 term ‘victim’ means a person other than a per-
9 son with a legal right, title, or interest in the
10 forfeited property sufficient to satisfy the
11 standing requirements of subsection (n)(2) who
12 may be entitled to restitution from the forfeited
13 funds pursuant to section 9.8 of part 9 of title
14 28, Code of Federal Regulations (or any suc-
15 cessor regulation).

16 “(B) INCLUSIONS.—In this subsection, the
17 term ‘victim’ includes any person who is the vic-
18 tim of the offense giving rise to the forfeiture,
19 or of any offense that was part of the same
20 scheme, conspiracy, or pattern of criminal activ-
21 ity, including, in the case of a money laun-
22 dering offense, any offense constituting the un-
23 derlying specified unlawful activity.

24 “(2) SATISFACTION OF ORDER OF RESTITU-
25 TION.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), a defendant may not use
3 property subject to forfeiture under this section
4 to satisfy an order of restitution.

5 “(B) EXCEPTION.—If there are 1 or more
6 identifiable victims entitled to restitution from a
7 defendant, and the defendant has no assets
8 other than the property subject to forfeiture
9 with which to pay restitution to the victim or
10 victims, the attorney for the Government may
11 move to dismiss a forfeiture allegation against
12 the defendant before entry of a judgment of
13 forfeiture in order to allow the property to be
14 used by the defendant to pay restitution in
15 whatever manner the court determines to be ap-
16 propriate if the court grants the motion. In
17 granting a motion under this subparagraph, the
18 court shall include a provision ensuring that
19 costs associated with the identification, seizure,
20 management, and disposition of the property
21 are recovered by the United States.

22 “(3) RESTORATION OF FORFEITED PROP-
23 PERTY.—

24 “(A) IN GENERAL.—If an order of for-
25 feiture is entered pursuant to this section and

the defendant has no assets other than the forfeited property to pay restitution to 1 or more identifiable victims who are entitled to restitution, the Government shall restore the forfeited property to the victims pursuant to subsection (i)(1) once the ancillary proceeding under subsection (n) has been completed and the costs of the forfeiture action have been deducted.

“(B) DISTRIBUTION OF PROPERTY.—On motion of the attorney for the Government, the court may enter any order necessary to facilitate the distribution of any property restored under this paragraph.”.

Subtitle D—Federal Law Enforcement Agency Improvements

SEC. 7501. REPEAL OF PROVISION REQUIRING COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.

Section 808 of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1310) is repealed.

SEC. 7502. FLIGHT TO AVOID PROSECUTION OR GIVING TESTIMONY.

Section 1073 of title 18, United States Code, is amended in the first sentence of the first undesignated

1 paragraph by inserting after “commerce” the following:
 2 “, or enters or leaves Indian country,”.

3 **SEC. 7503. CONTRABAND IN PRISON.**

4 Section 1791(d)(4) of title 18, United States Code,
 5 is amended to read as follows:

6 “(4) PRISON.—The term ‘prison’ means any fa-
 7 cility (including any privately owned facility) housing
 8 any person detained under chapter 807 or under
 9 section 242(i) of the Immigration and Nationality
 10 Act (8 U.S.C. 1231(i)), or imprisoned under sub-
 11 chapter C of chapter 229.”.

12 **SEC. 7504. PERSONNEL MANAGEMENT SYSTEM FOR CER-**
 13 **TAIN POSITIONS IN THE FEDERAL BUREAU**
 14 **OF INVESTIGATION.**

15 Section 122 of Public Law 105–119 (111 Stat. 2469)
 16 is amended—

17 (1) in subsection (a), by striking “3-year pe-
 18 riod” and inserting “4-year period”; and

19 (2) in subsection (h), by adding at the end the
 20 following: “An employee may not be separated from
 21 employment with the Federal Bureau of Investiga-
 22 tion or receive a reduction in pay by reason of the
 23 termination of authority.”.

24 **SEC. 7505. HUMANITARIAN ASSISTANCE.**

25 (a) FINDINGS.—Congress finds that—

1 (1) the employees of the Drug Enforcement Ad-
2 ministration and the Federal Bureau of Investiga-
3 tion unselfishly give of themselves, and they make
4 significant personal sacrifices in the performance of
5 their official duties;

6 (2) unfortunately, given the unique and de-
7 manding nature of their jobs and the unpredictable
8 risks associated with their duties, employees of those
9 agencies may be seriously injured, become seriously
10 ill, or be killed during the performance of official du-
11 ties; and

12 (3) in 1990, Congress recognized the tremen-
13 dous sacrifice made by those employees and author-
14 ized the Drug Enforcement Administration and the
15 Federal Bureau of Investigation to expend appro-
16 priated funds for humanitarian assistance designed
17 to aid, assist, or comfort employees or their imme-
18 diate families in appropriate instances.

19 (b) AMENDMENT.—Title XXXII of the Crime Control
20 Act of 1990 is amended by striking section 3201 (Public
21 Law 101–647; 28 U.S.C. 509 note) and inserting the fol-
22 lowing:

23 **“SEC. 3201. HUMANITARIAN ASSISTANCE.**

24 **“(a) FINANCIAL ASSISTANCE.—**The Administrator of
25 Drug Enforcement Administration (referred to in this sec-

1 tion as the ‘Administrator’), in the sole discretion of the
2 Administrator, and the Director of the Federal Bureau of
3 Investigation (referred to in this section as the ‘Director’),
4 in the sole discretion of the Director, may pay humani-
5 tarian assistance expenses incurred—

6 “(1) by an employee of the Drug Enforcement
7 Administration or Federal Bureau of Investigation
8 as a result of serious illness, serious injury, or death
9 of the employee occurring while on official business;
10 or

11 “(2) by a member of the immediate family of
12 such an employee, incident to the serious illness, se-
13 rious injury, or death of the employee occurring
14 while on official business.

15 “(b) OTHER ASSISTANCE.—The Administrator and
16 the Director may use Government equipment (including
17 vehicles) and incidental materials in humanitarian matters
18 involving the serious injury, serious illness, or death of an
19 employee occurring while on official business when nec-
20 essary to provide comfort, assistance, or aid to the em-
21 ployee or the immediate family of the employee, so long
22 as such use would not interfere with the mission and re-
23 sponsibilities of the Drug Enforcement Administration or
24 the Federal Bureau of Investigation.

1 “(c) REGULATIONS AND PROCEDURES.—The Admin-
2 istrator and the Director may promulgate regulations and
3 procedures to carry out this section.

4 “(d) RIGHTS AND BENEFITS.—This section does not
5 convey or imply the conveyance of any right or benefit,
6 substantive or procedural in nature, enforceable at law by
7 an individual seeking to compel the payment of any ex-
8 penses or the performance of any action by the Drug En-
9 forcement Administration or the Federal Bureau of Inves-
10 tigation under this section.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this
13 section—

14 “(1) to the Drug Enforcement Administration,
15 \$50,000 for each fiscal year; and

16 “(2) to the Federal Bureau of Investigation,
17 \$50,000 for each fiscal year.”.

18 **SEC. 7506. SCHOLARSHIP PROGRAM.**

19 (a) FINDINGS.—Congress finds that—

20 (1) the demands on supervisors in law enforce-
21 ment agencies are growing more challenging every
22 year;

23 (2) it is essential that law enforcement super-
24 visors be well equipped to meet those demands;

1 (3) additional educational opportunities would
2 make law enforcement supervisors more effective
3 managers and would directly benefit their agencies;
4 and

5 (4) a Federal program allowing qualified man-
6 agers to attend graduate school full time on a Gov-
7 ernment scholarship while receiving regular pay and
8 benefits, in order to obtain a masters degree in a
9 job-related field, would help to better prepare law
10 enforcement supervisors to meet the demands placed
11 on them.

12 (b) ESTABLISHMENT OF PROGRAM.—

13 (1) IN GENERAL.—The heads of the Depart-
14 ment of Justice law enforcement agencies may,
15 under regulations promulgated by the Attorney Gen-
16 eral, send employees in supervisory positions as stu-
17 dents to accredited masters degree programs in
18 areas related to their jobs.

19 (2) LIMITATION.—Not more than 10 such em-
20 ployees from each law enforcement agency may
21 begin such training in any fiscal year.

22 (3) ELIGIBILITY.—To be eligible for training
23 under subsection (a), an employee—

24 (A) shall be a citizen of the United States;

1 (B) shall have served with the agency for
2 a period of not less than 6 years;

3 (C) shall be in pay grade GS–13 or above
4 as of the time the training begins; and

5 (D) shall sign an agreement that, unless
6 sooner separated from employment with the
7 agency, the employee will—

8 (i) complete the educational course of
9 training; and

10 (ii) agree to—

11 (I) serve in the law enforcement
12 agency following completion or other
13 termination of training for a period of
14 time determined under regulations
15 promulgated by the Attorney General;
16 or

17 (II) reimburse the agency pro
18 rata for the costs of the training.

19 (4) SELECTION.—Employees of a law enforce-
20 ment agency shall be selected for training under
21 paragraph (1) on a competitive basis under regula-
22 tions promulgated by the Attorney General.

23 (5) EDUCATIONAL EXPENSES.—Educational ex-
24 penses of a law enforcement agency incurred inci-
25 dent to the training of employees under this section

1 (including tuition, fees, books, and laboratory ex-
 2 penses) shall be paid from any funds appropriated
 3 for the agency.

4 **SEC. 7507. NONCOMPETITIVE CONVERSION TO CAREER AP-
 5 POINTMENTS OF CERTAIN EMPLOYEES OF
 6 THE DRUG ENFORCEMENT ADMINISTRATION.**

7 (a) IN GENERAL.—An employee of the Drug En-
 8 forcement Administration who is serving under a Schedule
 9 B appointment under authority of title 5, Code of Federal
 10 Regulations and section 213.3201(a) (Office of Personnel
 11 Management Schedule B appointment authorization num-
 12 ber 213.3210(c)), in the discretion of the Administrator
 13 of the Drug Enforcement Administration, may be con-
 14 verted noncompetitively to a career or a career-conditional
 15 appointment on completion of at least 3 years of full time
 16 service, if—

17 (1) the employee's past performance and con-
 18 duct has been satisfactory; and

19 (2) the employee meets qualifications and other
 20 requirements established by the Director of the Of-
 21 fice of Personnel Management.

22 (b) SCHEDULE B APPOINTMENTS.—

23 (1) IN GENERAL.—The Administrator of the
 24 Drug Enforcement Administration may grant Sched-

1 ule B appointments to individuals who are selected
2 for positions in the GS–132 or GS–1801 job series.

3 (2) CONVERSION.—Individuals hired under ap-
4 pointments under paragraph (1) may be converted
5 to career or career-conditional appointments on sat-
6 isfaction of the conditions stated in subsection (a).

7 **SEC. 7508. OFFICE OF PROFESSIONAL RESPONSIBILITY.**

8 Section 506(a) of the Controlled Substances Act (21
9 U.S.C. 876(a)) is amended in the first sentence by insert-
10 ing “or in any investigation into an allegation of mis-
11 conduct by an employee of the Drug Enforcement Admin-
12 istration” after “encapsulating machines”.

13 **SEC. 7509. CUSTOMS CYBERSMUGGLING CENTER.**

14 (a) FINDINGS.—Congress finds that—

15 (1) in August, 1977, the United States Cus-
16 toms Service established the Customs
17 Cybersmuggling Center (C3);

18 (2) C3 is responsible for the investigation of
19 violations related to, inter alia, international child
20 pornography, child exploitation, and child sex tour-
21 ism; drug trafficking; the violation of Intellectual
22 Property Rights (IPR) statutes; the trafficking in
23 weapons of mass destruction, their delivery systems,
24 and spare parts; and international money laun-
25 dering;

1 (3) the goals and objectives of C3 are—

2 (A) to direct and coordinate the United
3 States Customs Service cybersmuggling initia-
4 tives;

5 (B) to maximize and optimize the utiliza-
6 tion of all available United States Customs
7 Service resources to combat cybersmuggling ac-
8 tivity;

9 (C) to complement and support the inves-
10 tigative programs of the United States Customs
11 Service, Office of Investigations;

12 (D) to identify, prepare for, and prevent
13 future uses of cyberspace for the conduct of
14 smuggling-related activity;

15 (E) to develop the necessary capabilities
16 that will enable the United States Customs
17 Service to meet future threats facilitated by the
18 use of cyberspace;

19 (F) to protect the health and welfare of
20 United States citizens, other residents, and in-
21 dustry from smuggling activity perpetrated and/
22 or facilitated through the use of international
23 cyberspace;

1 (G) to protect United States businesses
2 and industry from international economic espio-
3 nage facilitated by the use of cyberspace;

4 (H) to increase compliance with the laws,
5 regulations, policies, and procedures governing
6 international commerce, travel, and transpor-
7 tation;

8 (I) to identify and target for investigation
9 international cybersmuggling violators and vio-
10 lations;

11 (J) to coordinate international
12 cybersmuggling investigations on behalf of the
13 United States Customs Service;

14 (K) to assist and support United States
15 Customs Services field offices investigate
16 cybersmuggling activity for the purpose of ef-
17 fecting arrests, indictments, and convictions;

18 (L) to assist and support United States
19 Customs Service field offices interdict, seize,
20 and forfeit illegal and illicit merchandise and
21 cargo entering and/or exiting the United States
22 by illegal means, whose transportation is facili-
23 tated through the use of the Internet or other
24 cyberspacial media;

1 (M) to assist and support the United
2 States Customs Service in the identification and
3 seizure of assets derived from cybersmuggling-
4 related activities; and

5 (N) to terminate and otherwise disrupt the
6 use of international cyberspace for illegal and il-
7 licit purposes while, at the same time, pro-
8 tecting the rights of United States citizens as
9 granted by the Constitution and laws of the
10 United States;

11 (4) C3 oversees, among other things—

12 (A) the National Child Pornography and
13 Child Sexual Exploitation Program, which is re-
14 sponsible for coordinating all child pornog-
15 raphy/child sexual exploitation investigations
16 and related matters on behalf of the United
17 States Customs Service;

18 (B) the National Computer Forensics Pro-
19 gram, which is responsible for coordinating all
20 computer forensics activity within the United
21 States Customs Service as well as oversight and
22 supervision of the CIS 2000 initiative as it ap-
23 plies to the United States Customs Service; and

24 (C) the National Cybersmuggling Program,
25 which is responsible for the identification and

1 development of nonchild pornography/child sex-
 2 ual exploitation-related targets suspected of
 3 being involved in cybersmuggling activities and,
 4 once identified, for providing the responsible
 5 United States Customs Service field office with
 6 the information necessary to support indict-
 7 ment, arrest, seizure, and forfeiture; and

8 (5) additional funding is required for the
 9 United States Customs Cybersmuggling Center to
 10 effectively perform its functions.

11 (b) AUTHORIZATION OF APPROPRIATIONS FOR
 12 UNITED STATES CUSTOMS CYBERSMUGGLING CENTER.—

13 (1) AUTHORIZATION OF APPROPRIATIONS.—

14 There is authorized to be appropriated to the United
 15 States Customs Service \$5,000,000 for each of the
 16 fiscal years 2000, 2001, 2002, and 2003, to carry
 17 out the programs established by the Cybersmuggling
 18 Center of the United States Customs Service.

19 (2) USE OF AMOUNTS FOR CHILD PORNOG-
 20 RAPHY CYBER TIPLINE.—Of the amounts appro-
 21 priated under paragraph (1), the United States cus-
 22 toms Service shall provide 2.50 percent of each fiscal
 23 year appropriation to the National Center for Miss-
 24 ing and Exploited Children for the operation of the

1 child pornography cyber tipline of the Center and for
2 increased public awareness of the tipline.

3 (3) DISCRETIONARY AUTHORITY.—Of the re-
4 maining amounts appropriated under paragraph (1),
5 the United States Customs Service may allocate
6 such funds for the hiring and retention of agents
7 and other necessary personnel, the purchase of
8 equipment and supplies, and for training and edu-
9 cational purposes, as are consistent with the attain-
10 ment of the goals and objectives described in sub-
11 section (a).

12 **TITLE VIII—21st CENTURY DE-**
13 **PARTMENT OF JUSTICE AP-**
14 **PROPRIATIONS AUTHORIZA-**
15 **TION ACT**

16 **SEC. 8001. SHORT TITLE.**

17 This title may be cited as the “21st Century Depart-
18 ment of Justice Appropriations Authorization Act”.

19 **Subtitle A—Authorization of Ap-**
20 **propriations for Fiscal Years**
21 **2000, 2001, and 2002**

22 **SEC. 8101. SPECIFIC SUMS AUTHORIZED TO BE APPRO-**
23 **PRIATED.**

24 There are authorized to be appropriated for fiscal
25 years 2000, 2001, and 2002, to carry out the activities

1 of the Department of Justice (including, without limita-
2 tion, any bureau, office, board, division, commission, sub-
3 division, unit, or other component thereof), the following
4 sums:

5 (1) For General Administration: \$249,989,000
6 for fiscal year 2000, \$262,489,000 for fiscal year
7 2001, and \$275,613,450 for fiscal year 2002.

8 (2) For Administrative Review and Appeals
9 (administration of pardon and clemency petitions
10 and for immigration-related activities):
11 \$152,106,000 for fiscal year 2000, \$159,712,000 for
12 fiscal year 2001, and \$167,697,600 for fiscal year
13 2002.

14 (3) For the Office of Inspector General:
15 \$36,341,000 for fiscal year 2000, \$38,158,000 for
16 fiscal year 2001, and \$40,065,900 for fiscal year
17 2002, which shall include for each such year, with-
18 out limitation, not to exceed \$10,000 to meet un-
19 foreseen emergencies of a confidential character, to
20 be expended under the direction of the Attorney
21 General, and to be accounted for solely on the cer-
22 tificate of the Attorney General.

23 (4) For General Legal Activities: \$509,781,000
24 for fiscal year 2000, \$535,270,000 for fiscal year
25 2001, and \$562,033,500 for fiscal year 2002, which

1 shall include for each such year, without
2 limitation—

3 (A) not less than \$4,000,000 for the inves-
4 tigation and prosecution of denaturalization and
5 deportation cases involving alleged Nazi war
6 criminals; and

7 (B) not to exceed \$20,000 to meet unfore-
8 seen emergencies of a confidential character, to
9 be expended under the direction of the Attorney
10 General, and to be accounted for solely on the
11 certificate of the Attorney General.

12 (5) For the Antitrust Division: \$107,987,000
13 for fiscal year 2000, \$113,386,000 for fiscal year
14 2001, and \$119,055,300 for fiscal year 2002.

15 (6) For United States Attorneys:
16 \$1,162,343,000 for fiscal year 2000,
17 \$1,220,460,000 for fiscal year 2001, and
18 \$1,281,483,000 for fiscal year 2002.

19 (7) For the Federal Bureau of Investigation:
20 \$3,164,679,000 for fiscal year 2000,
21 \$3,322,913,000 for fiscal year 2001, and
22 \$3,489,058,600 for fiscal year 2002, which shall in-
23 clude for each such year, without limitation—

1 (A) not to exceed \$14,146,000 for con-
2 struction, to remain available until expended;
3 and

4 (B) not to exceed \$70,000 to meet unfore-
5 seen emergencies of a confidential character, to
6 be expended under the direction of the Attorney
7 General, and to be accounted for solely on the
8 certificate of the Attorney General.

9 (8) For the United States Marshals Service:
10 \$554,785,000 for fiscal year 2000, \$582,525,000 for
11 fiscal year 2001, and \$611,651,250 for fiscal year
12 2002, which shall include for each such year, with-
13 out limitation—

14 (A) not to exceed \$6,300,000 for construc-
15 tion, to remain available until expended; and

16 (B) \$10,000,000 for administrative ex-
17 penses of the Justice Prisoner and Alien Trans-
18 portation System, to remain available until ex-
19 pended.

20 (9) For the Drug Enforcement Administration:
21 \$1,252,358,000 for fiscal year 2000,
22 \$1,314,994,000 for fiscal year 2001, and
23 \$1,380,743,700 for fiscal year 2002, which shall in-
24 clude for each such year, without limitation—

1 (A) not to exceed \$8,000,000 for construc-
2 tion, to remain available until expended;

3 (B) not to exceed \$70,000 to meet unfore-
4 seen emergencies of a confidential character, to
5 be expended under the direction of the Attorney
6 General, and to be accounted for solely on the
7 certificate of the Attorney General or the Dep-
8 uty Attorney General; and

9 (C) not to exceed \$15,000,000 for diver-
10 sion control.

11 (10) For the Immigration and Naturalization
12 Service: \$2,839,756,000 for fiscal year 2000,
13 \$2,981,544,000 for fiscal year 2001, and
14 \$3,130,621,200 for fiscal year 2002, which shall in-
15 clude for each such year, without limitation—

16 (A) not to exceed \$118,170,000 for con-
17 struction, to remain available until expended;

18 (B) not to exceed \$50,000 to meet unfore-
19 seen emergencies of a confidential character to
20 be expended under the direction of the Attorney
21 General and to be accounted for solely on the
22 certificate of the Attorney General; and

23 (C) \$4,000,000 for each fiscal year to es-
24 tablish and operate—

1 (i) a district office in Memphis, Ten-
2 nessee, for the States of Tennessee, Arkan-
3 sas, and Kentucky, and the portion of the
4 State of Mississippi north of the city of
5 Jackson;

6 (ii) a district office in San Jose, Cali-
7 fornia, for the counties of Monterey, Santa
8 Clara, San Benito, and Santa Cruz of the
9 State of California;

10 (iii) a suboffice in Nashville, Ten-
11 nessee, for the counties of Anderson,
12 Blount, Campbell, Cannon, Carter,
13 Cheatham, Claiborne, Clay, Cocke, Cum-
14 berland, Davidson, DeKalb, Dickson, Fen-
15 tress, Grainger, Greene, Hamblen, Han-
16 cock, Hawkins, Houston, Humphreys,
17 Jackson, Jefferson, Johnson, Knox,
18 Loudon, Macon, Monroe, Montgomery,
19 Morgan, Overton, Pickett, Putnam, Roane,
20 Robertson, Rutherford, Scott, Sevier,
21 Smith, Stewart, Sullivan, Sumner,
22 Trousdale, Unicoi, Union, Washington,
23 White, Williamson, and Wilson of the State
24 of Tennessee;

1 (iv) a district office in Charlotte,
2 North Carolina, for the States of North
3 Carolina and South Carolina; and

4 (v) a suboffice in St. George, Utah,
5 for the counties of Washington, Kane,
6 Iron, Garfield, San Juan, Wayne, Piute,
7 Beaver, Sevier, and Millard.

8 (11) For Fees and Expenses of Witnesses:
9 \$99,750,000 for fiscal year 2000, \$104,738,000 for
10 fiscal year 2001, and \$109,974,900 for fiscal year
11 2002, to remain available until expended, which
12 shall include for each such year, without limitation,
13 not to exceed \$6,000,000 for construction relating to
14 protected witness safe sites.

15 (12) For Interagency Crime and Drug Enforce-
16 ment (expenses, not otherwise provided for, relating
17 to the investigation and prosecution of individuals
18 involved in organized crime drug trafficking):
19 \$319,215,000 for fiscal year 2000, \$335,176,000 for
20 fiscal year 2001, and \$351,934,800 for fiscal year
21 2002.

22 (13) For the Federal Prison System, including
23 the National Institute of Corrections:
24 \$4,733,900,000 for fiscal year 2000,

1 \$4,970,595,000 for fiscal year 2001, and
2 \$5,219,124,700 for fiscal year 2002.

3 (14) For the Foreign Claims Settlement Com-
4 mission: \$1,402,000 for fiscal year 2000,
5 \$1,472,000 for fiscal year 2001, and \$1,545,600 for
6 fiscal year 2002.

7 (15) For the Community Relations Service:
8 \$5,000,000 for fiscal year 2000, \$4,500,000 for fis-
9 cal year 2001, and \$4,000,000 for fiscal year 2002.

10 (16) For the Assets Forfeiture Fund (expenses
11 authorized by section 524 of title 28, United States
12 Code): \$24,150,000 for fiscal year 2000,
13 \$25,358,000 for fiscal year 2001, and \$26,625,900
14 for fiscal year 2002.

15 (17) For Federal Prisoner Detention:
16 \$526,428,000 for fiscal year 2000, \$552,749,400 for
17 fiscal year 2001, and \$580,386,700 for fiscal year
18 2002, to remain available until expended.

19 (18) For the United States Parole Commission:
20 \$8,002,000 for fiscal year 2000, \$8,402,000 for fis-
21 cal year 2001, and \$8,822,100 for fiscal year 2002.

22 (19) For official reception and representation
23 expenses of the Department of Justice (including
24 any bureau, office, board, division, commission, sub-
25 division, unit, or other component thereof), not to

1 exceed \$200,000 for each of fiscal years 2000, 2001,
2 and 2002.

3 **SEC. 8102. FEDERAL PRISON INDUSTRIES.**

4 Notwithstanding chapter 307 of title 18, United
5 States Code, not to exceed \$3,429,000 for fiscal year
6 2000, not to exceed \$3,601,000 for fiscal year 2001, and
7 not to exceed \$3,781,050 for fiscal year 2002, of the funds
8 available to Federal Prison Industries may be used for—

- 9 (1) administrative expenses; and
- 10 (2) services authorized by section 3109 of title
- 11 5, United States Code, all to be computed on an ac-
12 crual basis in accordance with the current prescribed
13 accounting system of Federal Prison Industries.
- 14 Such funds shall be exclusive of depreciation, pay-
15 ment of claims, and expenditures that such account-
16 ing system requires to be capitalized or charged to
17 the cost of commodities acquired or produced (in-
18 cluding, without limitation, selling and shipping ex-
19 penses) and expenses incurred in connection with ac-
20 quisition, construction, operation, maintenance, im-
21 provement, protection, or disposition of facilities and
22 other property of Federal Prison Industries.

1 **SEC. 8103. APPOINTMENT OF ADDITIONAL ASSISTANT**
2 **UNITED STATES ATTORNEYS; REDUCTION OF**
3 **CERTAIN LITIGATION POSITIONS.**

4 (a) APPOINTMENTS.—Not later than September 30,
5 2001, the Attorney General may exercise authority under
6 section 542 of title 28, United States Code, to appoint
7 200 assistant United States attorneys in addition to the
8 number of assistant United States attorneys serving on
9 the date of enactment of this Act.

10 (b) SELECTION OF APPOINTEES.—Individuals first
11 appointed under subsection (a) shall be appointed from
12 among attorneys who are incumbents of 200 full-time liti-
13 gation positions in divisions of the Department of Justice
14 and whose official duty station is at the seat of Govern-
15 ment.

16 (c) TERMINATION OF POSITIONS.—Each of the 200
17 litigation positions that become vacant by reason of an ap-
18 pointment made in accordance with subsections (a) and
19 (b) shall be terminated at the time the vacancy arises.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 such sums as are necessary for fiscal years 2000 and
23 2001.

1 Subtitle B—Authorizations of Ap-
2 propriations for Specific Pro-
3 grams

4 SEC. 8201. AMENDMENTS TO THE CRIME CONTROL AND
5 LAW ENFORCEMENT ACT OF 1994.

6 (a) EXPEDITIOUS DEPORTATION FOR DENIED ASY-
7 LUM APPLICANTS.—Section 130005(c) of the Violent
8 Crime Control and Law Enforcement Act of 1994 (8
9 U.S.C. 1158 note) is amended—

10 (1) in paragraph (3), by striking “and” at the
11 end;

12 (2) in paragraph (4), by striking the period at
13 the end and inserting a semicolon; and

14 (3) by adding at the end the following:

15 “(5) \$90,000,000 for fiscal year 2000;

16 “(6) \$90,000,000 for fiscal year 2001; and

17 “(7) \$90,000,000 for fiscal year 2002.”.

18 (b) AMENDMENTS TO VIOLENCE AGAINST WOMEN
19 ACT OF 1994.—Section 40114 of the Violence Against
20 Women Act of 1994 (Public Law 103–322; 108 Stat.
21 1910) is amended—

22 (1) in paragraph (2), by striking “and” at the
23 end;

24 (2) in paragraph (3), by striking the period at
25 the end and inserting a semicolon; and

1 (3) by adding at the end the following:

2 “(4) \$500,000 for fiscal year 2000;

3 “(5) \$500,000 for fiscal year 2001; and

4 “(6) \$500,000 for fiscal year 2002.”.

5 (c) BORDER CONTROL IMPROVEMENT.—Section
6 130006(a) of the Violent Crime Control and Law Enforce-
7 ment Act of 1994 (8 U.S.C. 1101 note) is amended—

8 (1) in paragraph (3), by striking “and” at the
9 end;

10 (2) in paragraph (4), by striking the period at
11 the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(5) \$477,750,000 for fiscal year 2000;

14 “(6) \$501,637,500 for fiscal year 2001; and

15 “(7) \$526,719,370 for fiscal year 2002.”.

16 (d) EXPANDED SPECIAL DEPORTATION PRO-
17 CEEDINGS.—Section 130007(d) of the Violent Crime Con-
18 trol and Law Enforcement Act of 1994 (8 U.S.C. 1252
19 note) is amended—

20 (1) in paragraph (3), by striking “and” at the
21 end;

22 (2) in paragraph (4), by striking the period at
23 the end and inserting a semicolon; and

24 (3) by adding at the end the following:

25 “(5) \$236,000,000 for fiscal year 2000;

1 “(6) \$236,000,000 for fiscal year 2001; and

2 “(7) \$236,000,000 for fiscal year 2002.”.

3 (e) TRAINING PROGRAMS.—Section 40152(c) of the
4 Violent Crime Control and Law Enforcement Act of 1994
5 (42 U.S.C. 13941(c)) is amended by striking paragraphs
6 (1) and (2), and inserting the following:

7 “(1) \$1,000,000 for fiscal year 2000;

8 “(2) \$1,000,000 for fiscal year 2001; and

9 “(3) \$1,000,000 for fiscal year 2002.”.

10 (f) MISSING ALZHEIMER’S DISEASE PATIENT ALERT
11 PROGRAM.—Section 240001(d) of the Violent Crime Con-
12 trol and Law Enforcement Act of 1994 (42 U.S.C.
13 14181(d)) is amended—

14 (1) in paragraph (2), by striking “and” at the
15 end;

16 (2) in paragraph (3), by striking the period at
17 the end and inserting a semicolon; and

18 (3) by adding at the end the following:

19 “(4) \$900,000 for fiscal year 2000;

20 “(5) \$900,000 for fiscal year 2001; and

21 “(6) \$900,000 for fiscal year 2002.”.

22 (g) MOTOR VEHICLE THEFT PREVENTION PRO-
23 GRAM.—Section 220002(h) of the Violent Crime Control
24 and Law Enforcement Act of 1994 (42 U.S.C. 14171(h))
25 is amended—

1 (1) in paragraph (2), by striking “and” at the
2 end;

3 (2) in paragraph (3), by striking the period at
4 the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(4) \$750,000 for fiscal year 2000;

7 “(5) \$750,000 for fiscal year 2001; and

8 “(6) \$750,000 for fiscal year 2002.”.

9 (h) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE
10 ENFORCEMENT ASSISTANCE ACT.—Section 40295(c)(1)
11 of the Violent Crime Control and Law Enforcement Act
12 of 1994 (42 U.S.C. 13971(c)(1)) is amended—

13 (1) in subparagraph (B), by striking “and” at
14 the end;

15 (2) in subparagraph (C), by striking the period
16 at the end and inserting a semicolon; and

17 (3) by adding at the end the following:

18 “(D) \$15,000,000 for fiscal year 2000;

19 “(E) \$15,000,000 for fiscal year 2001; and

20 “(F) \$15,000,000 for fiscal year 2002.”.

21 **SEC. 8202. AMENDMENTS TO THE ANTITERRORISM AND EF-**
22 **FECTIVE DEATH PENALTY ACT OF 1996.**

23 The Antiterrorism and Effective Death Penalty Act
24 of 1996 (Public Law 104–132; 110 Stat. 1214) is
25 amended—

1 (1) in section 819(b), by striking “for fiscal”
 2 and all that follows through “section”, and inserting
 3 “to carry out this section \$5,000,000 for fiscal year
 4 2000, \$5,000,000 for fiscal year 2001, and
 5 \$5,000,000 for fiscal year 2002”; and

6 (2) in section 821, by striking “not more than
 7 \$10,000,000 for fiscal year 1997” and inserting
 8 “\$10,000,000 for fiscal year 2000, \$10,000,000 for
 9 fiscal year 2001, and \$10,000,000 for fiscal year
 10 2002”.

11 **SEC. 8203. COMMUNICATIONS ASSISTANCE.**

12 The Communications Assistance for Law Enforce-
 13 ment Act (47 U.S.C. 1001 et seq.) is amended—

14 (1) in section 108(c)(3), by striking “on or be-
 15 fore January 1, 1995” and inserting “before Octo-
 16 ber 1, 2000”;

17 (2) in section 109—

18 (A) in subsection (a)—

19 (i) in the subsection heading, by strik-
 20 ing “**JANUARY 1, 1995**” and inserting
 21 “**OCTOBER 1, 2000**”; and

22 (ii) by striking “January 1, 1995”
 23 and inserting “October 1, 2000”;

24 (B) in subsection (b)—

(i) in the subsection heading, by striking “**JANUARY 1, 1995**” and inserting “**OCTOBER 1, 2000**”;

(ii) in paragraph (1)—

(I) in the matter preceding subparagraph (A) by striking “January 1, 1995” and inserting “October 1, 2000”; and

(II) in subparagraph (J), by striking “January 1, 1995” and inserting “October 1, 2000”; and

(iii) in paragraph (2), by striking “January 1, 1995” and inserting “October 1, 2000”; and

(C) in subsection (d)—

(i) in the subsection heading, by striking “**JANUARY 1, 1995**” and inserting “**OCTOBER 1, 2000**”; and

(ii) by striking “January 1, 1995” and inserting “October 1, 2000”;

(3) in section 110, by striking “and 1998” and inserting “1998, 1999, and 2000”; and

(4) in section 111(b), by striking “on the date that is 4 years after the date of enactment of this Act” and inserting “October 1, 2000”.

1 **SEC. 8204. CRIMINAL ALIEN ASSISTANCE.**

2 Section 241(i)(5) of the Immigration and Nationality
3 Act (8 U.S.C. 1231(i)(5)) is amended by striking subpara-
4 graphs (A) through (F) and inserting the following:

5 “(A) \$800,000,000 for fiscal year 2000;

6 “(B) \$850,000,000 for fiscal year 2001;

7 and

8 “(C) \$900,000,000 for fiscal year 2002.”.

9 **SEC. 8205. VIOLENT CRIME REDUCTION TRUST FUND.**

10 (a) IN GENERAL.—Section 310001(b) of the Violent
11 Crime Control and Law Enforcement Act of 1994 (42
12 U.S.C. 14211) is amended by striking paragraphs (1)
13 through (5) and inserting the following:

14 “(1) for fiscal year 2001, \$6,025,000,000;

15 “(2) for fiscal year 2002, \$6,169,000,000;

16 “(3) for fiscal year 2003, \$6,316,000,000;

17 “(4) for fiscal year 2004, \$6,458,000,000; and

18 “(5) for fiscal year 2005, \$6,616,000,000.”.

19 (b) DISCRETIONARY LIMITS.—Title XXXI of the Vio-
20 lent Crime Control and Law Enforcement Act of 1994 (42
21 U.S.C. 14211 et seq.) is amended by inserting after sec-
22 tion 310001 the following:

23 **“SEC. 310002. DISCRETIONARY LIMITS.**

24 “(a) DISCRETIONARY LIMITS.—For the purposes of
25 allocations made for the discretionary category pursuant
26 to section 302(a) of the Congressional Budget Act of 1974

1 (2 U.S.C. 633(a)), the term ‘discretionary spending limit’
2 means—

3 “(1) with respect to fiscal year 2001—

4 “(A) for the discretionary category,
5 amounts of budget authority and outlays nec-
6 essary to adjust the discretionary spending lim-
7 its to reflect the changes in subparagraph (B)
8 as determined by the Chairman of the Budget
9 Committee; and

10 “(B) for the violent crime reduction cat-
11 egory: \$6,025,000,000 in new budget authority
12 and \$5,718,000,000 in outlays;

13 “(2) with respect to fiscal year 2002—

14 “(A) for the discretionary category,
15 amounts of budget authority and outlays nec-
16 essary to adjust the discretionary spending lim-
17 its to reflect the changes in subparagraph (B)
18 as determined by the Chairman of the Budget
19 Committee; and

20 “(B) for the violent crime reduction cat-
21 egory: \$6,169,000,000 in new budget authority
22 and \$6,020,000,000 in outlays; and

23 “(3) with respect to fiscal year 2003—

24 “(A) for the discretionary category,
25 amounts of budget authority and outlays nec-

1 essary to adjust the discretionary spending lim-
2 its to reflect the changes in subparagraph (B)
3 as determined by the Chairman of the Budget
4 Committee; and

5 “(B) for the violent crime reduction cat-
6 egory: \$6,316,000,000 in new budget authority
7 and \$6,161,000,000 in outlays;

8 “(4) with respect to fiscal year 2004—

9 “(A) for the discretionary category,
10 amounts of budget authority and outlays nec-
11 essary to adjust the discretionary spending lim-
12 its to reflect the changes in subparagraph (B)
13 as determined by the Chairman of the Budget
14 Committee; and

15 “(B) for the violent crime reduction cat-
16 egory: \$6,458,000 in new budget authority and
17 \$6,303,000,000 in outlays; and

18 “(5) with respect to fiscal year 2005—

19 “(A) for the discretionary category,
20 amounts of budget authority and outlays nec-
21 essary to adjust the discretionary spending lim-
22 its to reflect the changes in subparagraph (B)
23 as determined by the Chairman of the Budget
24 Committee; and

1 “(B) for the violent crime reduction cat-
 2 egory: \$6,616,000 in new budget authority and
 3 \$6,452,000,000 in outlays;
 4 as adjusted in accordance with section 251(b) of the Bal-
 5 anced Budget and Emergency Deficit Control Act of 1985
 6 (2 U.S.C. 901(b)) and section 314 of the Congressional
 7 Budget Act of 1974.”.

8 “(b) POINT OF ORDER IN THE SENATE.—

9 “(1) IN GENERAL.—Except as provided in para-
 10 graph (2), it shall not be in order in the Senate to
 11 consider—

12 “(A) any concurrent resolution on the
 13 budget for any of the fiscal years 2001 through
 14 2005 (or amendment, motion, or conference re-
 15 port on such a resolution) that provides discre-
 16 tionary spending in excess of the discretionary
 17 spending limit or limits for such fiscal year; or

18 “(B) any bill or resolution (or amendment,
 19 motion, or conference report on such bill or res-
 20 olution) for any of the fiscal years 2001
 21 through 2005 that would cause any of the lim-
 22 its in this section (or suballocations of the dis-
 23 cretionary limits made under section 302(b) of
 24 the Congressional Budget Act of 1974 (2
 25 U.S.C. 633(b))) to be exceeded.

1 “(2) EXCEPTION.—This section shall not apply
2 if a declaration of war by Congress is in effect or
3 if a joint resolution under section 258 of the Bal-
4 anced Budget and Emergency Deficit Control Act of
5 1985 (2 U.S.C. 907a) has been enacted.

6 “(c) WAIVER.—This section may be waived or sus-
7 pended in the Senate only by an affirmative vote of three-
8 fifths of the members of the Senate, duly chosen and
9 sworn.

10 “(d) APPEALS.—

11 “(1) TIME.—Appeals in the Senate from the
12 decisions of the Chair relating to any provision of
13 this section shall be limited to 1 hour, to be equally
14 divided between, and controlled by, the appellant
15 and the manager of the concurrent resolution, bill,
16 or joint resolution, as the case may be.

17 “(2) VOTE TO SUSTAIN APPEAL.—An affirma-
18 tive vote of three-fifths of the members of the Sen-
19 ate, duly chosen and sworn, shall be required in the
20 Senate to sustain an appeal of the ruling of the
21 Chair on a point of order raised under this sub-
22 section.

23 “(e) DETERMINATION OF BUDGET LEVELS.—For
24 purposes of this section, the levels of new budget author-
25 ity, outlays, new entitlement authority, revenues, and defi-

1 cits for a fiscal year shall be determined on the basis of
 2 estimates made by the Committee on the Budget of the
 3 Senate.”.

4 **Subtitle C—Permanent Enabling** 5 **Provisions**

6 **SEC. 8301. PERMANENT AUTHORITY.**

7 (a) IN GENERAL.—Chapter 31 of title 28, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing:

10 **“§ 530C. Authority to use available funds**

11 “(a) IN GENERAL.—Except to the extent provided
 12 otherwise by law applicable to funds available to carry out
 13 the activities of the Department of Justice (including,
 14 without limitation, any bureau, office, board, division,
 15 commission, subdivision, unit, or other component thereof)
 16 and in addition to authority provided in subsections (a)
 17 and (b) of section 524, or any other provision of law con-
 18 sistent herewith, including, without limitation, Public Law
 19 96–132 (93 Stat. 1040), section 102(b) of Public Law
 20 102–395 (106 Stat. 1838), and section 815(d) of Public
 21 Law 104–132 (110 Stat. 1315), the Attorney General may
 22 use such funds as provided in subsection (b).

23 “(b) PERMITTED USES.—

24 “(1) GENERAL PERMITTED USES.—Such funds
 25 may be used for the following:

1 “(A) The purchase, lease, maintenance,
2 and operation of passenger motor vehicles, or
3 police-type motor vehicles for law enforcement
4 purposes, without regard to general purchase
5 price limitation for the then current fiscal year.

6 “(B) The purchase of insurance for motor
7 vehicles, boats, and aircraft operated in official
8 Government business in foreign countries.

9 “(C) Services of experts and consultants,
10 including private counsel, as authorized by sec-
11 tion 3109 of title 5, and at rates of pay for in-
12 dividuals not to exceed the maximum daily rate
13 payable from time to time under section 5332
14 of title 5.

15 “(D) Official receptions and representation
16 expenses (i.e., official expenses of a social na-
17 ture intended in whole or in predominant part
18 to promote goodwill toward the Department or
19 its missions; not including expenses of tours,
20 open to the public, of departmental facilities),
21 in accordance with distributions, procedures,
22 and regulations established or issued by the At-
23 torney General.

24 “(E) Unforeseen emergencies of a con-
25 fidential character, to be expended under the di-

1 rection of the Attorney General and accounted
 2 for solely on the certificate of the Attorney Gen-
 3 eral.

4 “(F) Miscellaneous and emergency ex-
 5 penses authorized or approved by the Attorney
 6 General, the Deputy Attorney General, the As-
 7 sociate Attorney General, or the Assistant At-
 8 torney General for Administration.

9 “(G) In accordance with procedures estab-
 10 lished and regulations issued by the Attorney
 11 General—

12 “(i) attendance at meetings and semi-
 13 nars;

14 “(ii) conferences and training; and

15 “(iii) advances of public moneys under
 16 section 3324 of title 31: *provided*, That
 17 travel advances of such moneys to law en-
 18 forcement personnel engaged in undercover
 19 activity shall be considered to be public
 20 money for purposes of section 3527 of title
 21 31.

22 “(H) For the conduct of its activities, in-
 23 cluding for contracting with individuals for per-
 24 sonal services abroad, except that such individ-
 25 uals shall not be regarded as employees of the

1 United States for the purpose of any law ad-
2 ministered by the Office of Personnel Manage-
3 ment.

4 “(I) Payment of interpreters and trans-
5 lators who are not citizens of the United States,
6 in accordance with procedures established and
7 regulations issued by the Attorney General.

8 “(J) For the payment of rewards, for the
9 purchase of evidence, and for payment for in-
10 formation in connection with law enforcement.

11 “(K) For expenses or allowances for uni-
12 forms as authorized by section 5901 of title 5
13 but without regard to the general purchase
14 price limitation for the then current fiscal year.

15 “(L)(i) With respect to dependents of em-
16 ployees of the Department of Justice stationed
17 outside the continental United States, expenses
18 of—

19 “(I) primary and secondary schooling
20 for such dependents, at a cost not to ex-
21 ceed that authorized by the Department of
22 Defense for the same area, upon a deter-
23 mination by the Attorney General that
24 schools serving the locality are unable to
25 provide adequately for their education;

1 “(II) transportation of such depend-
2 ents between their places of residence and
3 the primary and secondary schools serving
4 the locality that they normally would at-
5 tend, upon a determination by the Attor-
6 ney General that such schools are not ac-
7 cessible by adequate public means of trans-
8 portation; and

9 “(III) transitional and other language
10 and cultural training or education for such
11 dependents, upon a determination by the
12 Attorney General that training or edu-
13 cation are necessary for employee welfare
14 and adequate nondepartmental facilities
15 are unavailable;

16 “(ii) All expenses under clause (i) shall be
17 treated as payments under section 5924(4) of
18 title 5 for purposes of calculating other Federal
19 benefits, entitlements, and taxes.

20 “(M) Health care program expenses for,
21 and travel and related expenses of, employees of
22 the Department of Justice serving abroad and
23 their families, to be payable in the same man-
24 ner as applicable to the members of the Foreign
25 Service and their families under sections 904

1 and 901 of the Foreign Service Act of 1980 (22
2 U.S.C. 4084, 4081) and the regulations issued
3 by the Secretary of State.

4 “(2) SPECIFIC PERMITTED USES.—

5 “(A) AIRCRAFT AND BOATS.—Funds avail-
6 able for United States Attorneys, for the Fed-
7 eral Bureau of Investigation, for the United
8 States Marshals Service, for the Drug Enforce-
9 ment Administration, and for the Immigration
10 and Naturalization Service may be used for the
11 purchase, lease, maintenance, and operation of
12 aircraft and boats, for law enforcement pur-
13 poses.

14 “(B) PURCHASE OF AMMUNITION AND
15 FIREARMS; FIREARMS COMPETITIONS.—Funds
16 available for United States Attorneys, for the
17 Federal Bureau of Investigation, for the United
18 States Marshals Service, for the Drug Enforce-
19 ment Administration, for the Federal Prison
20 System, for the Office of the Inspector General,
21 and for the Immigration and Naturalization
22 Service may be used for—

23 “(i) the purchase of ammunition and
24 firearms; and

1 “(ii) participation in firearms com-
2 petitions.

3 “(C) CONSTRUCTION.—

4 “(i) IN GENERAL.—Funds available
5 for construction may be used for expenses
6 of planning, designing, acquiring, building,
7 constructing, renovating, converting, ex-
8 panding, extending, remodeling, equipping,
9 repairing, or maintaining buildings or fa-
10 cilities, including the expenses of acqui-
11 sition of sites for the buildings and facilities,
12 and all necessary expenses incident or re-
13 lated thereto.

14 “(ii) INTENT.—It is not the intent of
15 clause (i) that funds generally available for
16 salaries and expenses are not also available
17 for certain construction, remodeling, main-
18 tenance, and other related construction
19 costs.

20 “(3) SUBSISTENCE AND MEDICAL EXPENSES OF
21 PERSONS IN THE CUSTODY OF THE UNITED STATES
22 MARSHALS SERVICE.—

23 “(A) IN GENERAL.—Funds available for
24 Federal Prisoner Detention may be used to ac-
25 quire subsistence and medical care for persons

1 in the custody of the United States Marshals
2 Service at fair and reasonable prices.

3 “(B) COSTS.—Without specific authoriza-
4 tion from the Attorney General, the expenses
5 incurred in the provision of such care shall not
6 exceed the costs and expenses charged in the
7 provision of similar health care services paid
8 pursuant to the medicare program under title
9 XVIII of the Social Security Act or the med-
10 icaid program under title XIX of such Act.

11 “(4) FEES AND EXPENSES OF WITNESSES.—
12 Funds available for Fees and Expenses of Witnesses
13 may be used for expenses, mileage, compensation,
14 and per diem in lieu of subsistence, of witnesses (in-
15 cluding, without limitation, advances of public
16 money) as authorized by section 1821 or other law,
17 but no witness may be paid more than 1 attendance
18 fee for any 1 calendar day.

19 “(5) FEDERAL BUREAU OF INVESTIGATION.—

20 “(A) IN GENERAL.—The Federal Bureau
21 of Investigation may establish and collect fees
22 to process fingerprint identification records and
23 name checks for noncriminal justice, nonlaw en-
24 forcement employment and licensing purposes,

1 and for certain employees of private sector con-
2 tractors with classified government contracts.

3 “(B) CREDITING.—Fees collected under
4 subparagraph (A) shall be credited to the Sala-
5 ries and Expenses, Federal Bureau of Inves-
6 tigation, appropriation, without regard to sec-
7 tion 3302(b) of title 31 and, to the extent speci-
8 fied in appropriations Acts, shall be available
9 until expended for salaries and other expenses
10 incurred in processing such records.

11 “(C) LIMITATION.—No fee shall be as-
12 sessed in connection with the processing of re-
13 quests for criminal history records by criminal
14 justice agencies for criminal justice purposes or
15 for employment in criminal justice agencies or
16 in connection with a background check under
17 section 922(t) of title 18.

18 “(6) IMMIGRATION AND NATURALIZATION
19 SERVICE.—Funds available for the Immigration and
20 Naturalization Service may be used for—

21 “(A) acquisition of land as sites for en-
22 forcement fences, and construction incidental to
23 such fences;

24 “(B) cash advances to aliens for meals and
25 lodging en route;

1 “(C) refunds of maintenance bills, immi-
2 gration fines, and other items properly return-
3 able, except deposits of aliens who become pub-
4 lic charges and deposits to secure payment of
5 fines and passage money; and

6 “(D) expenses and allowances incurred in
7 tracking lost persons, as required by public ex-
8 igencies, in aid of State or local law enforce-
9 ment agencies.

10 “(7) FEDERAL PRISON SYSTEM.—Funds avail-
11 able for the Federal prison system may be used
12 for—

13 “(A) inmate medical services and inmate
14 legal services, within the Federal Prison Sys-
15 tem;

16 “(B) the purchase and exchange of farm
17 products and livestock;

18 “(C) the acquisition of land as authorized
19 by this section and section 4010 of title 18; and

20 “(D) the construction of buildings and fa-
21 cilities for penal and correctional institutions
22 (including, without limitation, prison camps), by
23 contract or force account, including, without
24 limitation, the payment of United States pris-

1 oners for their work performed in any such con-
2 struction.

3 “(b) RELATED PROVISIONS.—

4 “(1) LIMITATION OF COMPENSATION OF INDI-
5 VIDUALS EMPLOYED AS ATTORNEYS.—None of the
6 funds available to the Attorney General may be used
7 to pay compensation for services provided by an in-
8 dividual employed as an attorney (other than an in-
9 dividual employed to provide services as a foreign at-
10 torney in special cases) unless such individual is duly
11 licensed and authorized to practice as an attorney
12 under the law of a State, a territory of the United
13 States, or the District of Columbia.

14 “(2) REIMBURSEMENTS PAID TO GOVERN-
15 MENTAL ENTITIES.—Funds available to the Attor-
16 ney General that are paid as reimbursement to a
17 governmental unit of the Department of Justice, to
18 another Federal entity, or to a unit of State or local
19 government may be used under authorities available
20 to the unit or entity receiving such reimbursement.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 31 of title 28, United States Code, is amended
23 by adding at the end the following:

“530C. Authority to use available funds.”.

1 **SEC. 8302. PERMANENT AUTHORITY RELATING TO EN-**
2 **FORCEMENT OF LAWS.**

3 (a) IN GENERAL.—Chapter 31 of title 28, United
4 States Code (as amended by section 8301) is amended by
5 adding at the end the following:

6 **“§ 530D. Report on enforcement of laws**

7 “(a) REPORT.—

8 “(1) IN GENERAL.—The Attorney General shall
9 submit to Congress a report in any instance in
10 which the Attorney General or any other officer of
11 the Department of Justice—

12 “(A) establishes or adopts a policy to re-
13 frain from enforcing any provision of any Fed-
14 eral statute the enforcement or administration
15 of which is within the responsibility of the offi-
16 cer, because of the officer’s opinion (or that of
17 the President) that the provision is not con-
18 stitutional; or

19 “(B) determines to contest, or to refrain
20 from defending or asserting, in any judicial, ad-
21 ministrative, or other proceeding, any provision
22 of any Federal statute, or not to appeal any ju-
23 dicial, administrative, or other determination
24 affecting the constitutionality of any such provi-
25 sion, because of the officer’s opinion (or that of

1 the President) that the provision is not con-
2 stitutional.

3 “(2) SUBMISSION TO CONGRESS.—For the pur-
4 poses of paragraph (1), a report shall be considered
5 to be submitted to Congress if the report is sub-
6 mitted to—

7 “(A) the majority leader and minority
8 leader of the Senate;

9 “(B) the Speaker, majority leader, and mi-
10 nority leader of the House of Representatives;

11 “(C) the chairman and ranking minority
12 member of the committee in each House of
13 Congress having oversight jurisdiction over the
14 department, agency, or establishment in which
15 a policy described in subsection (a)(1) was es-
16 tablished or adopted, or a determination de-
17 scribed in subsection (a)(2) was made; and

18 “(D) the Senate Legal Counsel and the
19 General Counsel of the House of Representa-
20 tives.

21 “(b) DEADLINE.—A report under subsection (a) shall
22 be submitted within such time as will reasonably enable
23 each House of Congress to take action to intervene in
24 timely fashion in any proceeding specified in subsection
25 (a)(2), but in no event later than 30 days after the estab-

lishment or adoption of a policy described in subsection (a)(1) or a determination described in subsection (a)(2).

“(c) CONTENTS.—A report under subsection (a) shall—

“(1) specify the provision of the Federal statute involved and the date of the establishment or adoption of the policy described in subsection (a)(1) or of the determination described in subsection (a)(2);

“(2) include a complete and detailed statement of the reasons for the policy or determination; and

“(3) in the case of a determination described in subsection (a)(2), indicate the nature, tribunal, identifying information, and status of the proceeding.

“(d) DECLARATION.—In the case of a determination described in subsection (a)(2), the representative of the United States participating in the proceeding shall make a clear declaration in the proceeding that any opinion expressed as to the constitutionality of the provision involved is the opinion of the executive branch of the Federal Government (or, as applicable, of the department, agency, or establishment).

“(e) APPLICABILITY TO OTHER DEPARTMENT, AGENCIES, AND ESTABLISHMENTS.—The reporting, declaration, and other provisions of this section relating to the Attorney General and other officers of the Department

1 of Justice shall apply to the head of any Federal depart-
 2 ment, agency, or establishment authorized to conduct liti-
 3 gation on behalf of the United States, and to the officers
 4 of the department, agency, or establishment.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) The analysis for chapter 31 of title 28,
 7 United States Code (as amended by section 301), is
 8 amended by adding at the end the following:

“530D. Report on enforcement of laws.”.

9 (2) Public Law 95–521 (92 Stat. 1883) is
 10 amended by striking subsection (b).

11 (3)(A) Not later than 180 days after the date
 12 of enactment of this Act, the Attorney General (and
 13 the head of each Federal department, agency, or es-
 14 tablishment authorized to conduct litigation) shall
 15 submit to Congress a report (in accordance with
 16 subsections (a), (c), and (e) of section 530D of title
 17 28, United States Code (as added by subsection
 18 (a))), on—

19 (i) all policies described in subsection
 20 (a)(1) of that section that were established or
 21 adopted before that date of enactment and were
 22 in effect on that date; and

23 (ii) all determinations described in sub-
 24 section (a)(2) of that section that were made
 25 before that date and were in effect on that date.

1 (B) If any of the determinations described in
2 subparagraph (A)(ii) relates to any judicial, adminis-
3 trative, or other proceeding that is pending on the
4 date specified in subparagraph (A), with respect to
5 any such determination the report required by this
6 paragraph shall be submitted within such time as
7 will reasonably enable each House to take action to
8 intervene in timely fashion in the proceeding, but in
9 no event later than 30 days after that date.

10 **SEC. 8303. NOTIFICATIONS ON USE OF FUNDS.**

11 During any fiscal year for which appropriations are
12 authorized by this Act (either directly, through incorpora-
13 tion by reference, or otherwise), any reprogramming or
14 transfer notice required by the terms of the applicable ap-
15 propriations Act to be given to any Appropriations Com-
16 mittee of either House of Congress shall also be required
17 to be given, under the same terms, to the Committee on
18 the Judiciary of each House of Congress.

19 **SEC. 8304. MISCELLANEOUS USE PROVISIONS.**

20 (a) The Economic Opportunities Act of 1964 (Public
21 Law 88-452) is amended in section 1006 by replacing
22 “referendums” with “referenda, or any legislation” in
23 paragraph (d)(4) and by inserting “upon prior identifica-
24 tion, by name, of each class member, and ” after “except”

1 in paragraph (d)(5), and in section 1002, by adding at
2 the end the following:

3 “(9) ‘political activity’ includes any activity de-
4 signed or intended to contest or challenge before any
5 tribunal the constitutionality of any statute or regu-
6 lation.”.

7 (b) Section 510 of title I of the Omnibus Crime Con-
8 trol and Safe Streets Act of 1968 (Public Law 90–351)
9 is amended by adding at the end the following:

10 “(d) NONGOVERNMENTAL ENTITIES.—No grants or
11 contracts under subsection (b) may be made, entered into,
12 or used, directly or indirectly, to provide security enhance-
13 ments or equipment to any nongovernmental entity.”.

14 (c) Section 1913 of title 18, United States Code, is
15 amended by adding “or any other legislative body” after
16 “Congress” the third and sixth time it appears, by striking
17 “by Congress” the second time it appears, by replacing
18 “appropriation;” with “appropriation, or intended or de-
19 signed in any manner to influence, favor, or oppose any
20 ballot measure, initiative, or referendum, whether before
21 or after the same may be put on the ballot;”, and by re-
22 placing “Member of Congress” with “such Members”.

23 (d) Title 5 of section 101(b) of division A of the Om-
24 nibus Consolidated and Emergency Supplemental Appro-
25 priations Act, 1999 (Public Law 105–277, 112 Stat.

1 2681–107) is amended in the matter immediately under
 2 thirteenth heading by inserting “or any future” after “in
 3 this” both times it appears, and by replacing “to 1998
 4 and 1999” with “, in any given fiscal year, to the last
 5 fiscal year and the current fiscal year”.

6 **SEC. 8305. TECHNICAL AMENDMENT; AUTHORITY TO**
 7 **TRANSFER PROPERTY OF MARGINAL VALUE.**

8 Section 524 of title 28, United States Code, is
 9 amended—

10 (1) in subsection (b)(5), by inserting a comma
 11 after “Fund” the second place it appears; and

12 (2) in subsection (c)(9)(B)—

13 (A) by striking “year 1997” and inserting
 14 “years 1999 and 2000”; and

15 (B) by adding at the end the following:
 16 “Such a transfer shall be subject to satisfaction
 17 by the recipient involved of any outstanding lien
 18 against the property transferred.”.

19 **SEC. 8306. PROTECTION OF THE ATTORNEY GENERAL.**

20 Section 533(2) of title 28, United States Code, is
 21 amended by inserting “or the person of the Attorney Gen-
 22 eral” before the semicolon at the end.

23 **SEC. 8307. EXTENDED ASSIGNMENT ALLOWANCE.**

24 (a) IN GENERAL.—Effective with the enactment of
 25 this Act and in any fiscal year that begins after the date

1 of enactment of that Act, in compliance with policies es-
2 tablished or regulations issued by the Attorney General
3 and the Secretary of the Treasury for their respective
4 agencies, the Department of Justice and the Department
5 of the Treasury, respectively, may pay an extended assign-
6 ment allowance or bonus to any individual assigned to a
7 permanent position located in the Commonwealth of Puer-
8 to Rico, the Commonwealth of the Northern Mariana Is-
9 lands, or the territories and possessions of the United
10 States, when the Attorney General or the Secretary of the
11 Treasury, as to his respective agency, determines that the
12 position is difficult to fill and that it is in the interests
13 of the pertinent Department to encourage an incumbent
14 employee to remain in his position.

15 (b) LIMITATION.—In any calendar year, no allowance
16 or bonus under subsection (a) may exceed \$25,000 or 25
17 percent of an employee's basic pay, whichever is greater.

18 (c) DISCRETIONARY ACTION.—The amount of any al-
19 lowance or bonus to be offered under subsection (a),
20 whether to offer an allowance or bonus, and whether to
21 offer payment in the form of an allowance or a bonus shall
22 be solely within the discretion of the Attorney General or
23 the Secretary of the Treasury, as appropriate, and shall
24 not be reviewable or subject to appeal in or before any
25 court or other tribunal.

1 (d) DECISION NOT TO OFFER.—A decision not to
2 offer an employee an allowance or bonus shall not con-
3 stitute an adverse action and shall not be reviewable or
4 subject to appeal in or before any court or other tribunal.

5 (e) NOT PART OF PAY.—An allowance or bonus
6 under subsection (a) shall not be considered to be a part
7 of the pay or basic pay of an employee in the calculation
8 of any entitlement or benefit (including but not limited
9 to overtime, retirement, and lump-sum leave payments),
10 but shall be considered a bonus under section 5307(a)(1)
11 of title 5, United States Code, for purposes of applying
12 the limitation on aggregate payments.

13 **SEC. 8308. LIMITATION ON USE OF FUNDS.**

14 a) IN GENERAL.—No funds available to the Attorney
15 General in any fiscal year shall be used to require any
16 person to perform, or facilitate in any way the perform-
17 ance of, any abortion.

18 (b) ESCORT SERVICES.—Nothing in this section shall
19 be construed to forbid the use of such funds for the provi-
20 sion of escort services necessary for a female inmate in
21 a Bureau of Prisons facility to obtain an abortion outside
22 the facility.

1 **Subtitle D—Miscellaneous**

2 **SEC. 8401. REPEALERS.**

3 (a) OPEN-ENDED AUTHORIZATION OF APPROPRIA-
4 TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.—
5 Chapter 319 of title 18, United States Code, is amended—

6 (1) by striking section 4353; and

7 (2) in the analysis for the chapter, by striking
8 the item relating to section 4353.

9 (b) OPEN-ENDED AUTHORIZATION OF APPROPRIA-
10 TIONS FOR UNITED STATES MARSHALS SERVICE.—Sec-
11 tion 561 of title 28, United States Code, is amended by
12 striking subsection (i).

13 **SEC. 8402. TECHNICAL AMENDMENT.**

14 (a) Section 4013 of title 18, United States Code, is
15 amended—

16 (1) in subsection (a)—

17 (A) by striking “the support of United
18 States prisoners” and inserting “Federal pris-
19 oner detention”;

20 (B) in paragraph (2), by adding “and”
21 after “hire;”;

22 (C) in paragraph (3), by striking “entities;
23 and” and inserting “entities.”; and

24 (D) in paragraph (4), by inserting “The
25 Attorney General, in support of United States

1 prisoners in non-Federal institutions, is author-
 2 ized to make payments, from funds appro-
 3 priated for State and local law enforcement as-
 4 sistance, for” before “entering”; and

5 (2) by redesignating—

6 (A) subsection (b) as subsection (c);

7 (B) subsection (a)(4) as subsection (b);

8 and

9 (C) subparagraphs (A), (B), and (C) of
 10 subsection (a)(4) as paragraphs (1), (2), and
 11 (3) of subsection (b).

12 (b) Section 209(a) of title 18, United States Code,
 13 is amended by adding a comma after “supplements”.

14 (c) Section 535 of title 28, United States Code, is
 15 amended—

16 (1) in subsection (a), by inserting “, other than
 17 chapter 40;” after “law”;

18 (2) in subsections (a) and (b), by replacing
 19 “title 18” with “Federal criminal law”;

20 (3) in subsection (b), by replacing “or com-
 21 plaint” with “matter, or complaint witnessed, discov-
 22 ered, or” and by inserting “or the witness, discov-
 23 erer, or recipient, as appropriate,” after “agency,”;
 24 and

1 (4) in subsection (b)(1), by inserting “, in
2 which event the report shall be made to such respon-
3 sible party” after “law”.

4 **SEC. 8403. RULE OF CONSTRUCTION.**

5 Nothing in this title or the amendments made by this
6 title modifies or supersedes the application or operation
7 of the Public Buildings Act of 1959 (40 U.S.C. 601 et
8 seq.).

9 **SEC. 8404. COUNTERTERRORISM FUND AMENDMENTS.**

10 (a) COUNTERTERRORISM FUND.—The matter under
11 the heading “COUNTERTERRORISM FUND” in chapter I of
12 title III of Public Law 104–19 (109 Stat. 249; 28 U.S.C.
13 524 note) is amended to read as follows:

14 “(a) ESTABLISHMENT.—There is established in the
15 Treasury of the United States a separate fund to be
16 known as the ‘Counterterrorism Fund’, amounts in which
17 shall remain available without fiscal year limitation.

18 “(b) USE.—Amounts in the Counterterrorism Fund
19 shall be used—

20 “(1) to reimburse any Department of Justice
21 component for costs incurred in connection with—

22 (A) reestablishing the operational capa-
23 bility of an office or facility that has been dam-
24 aged or destroyed as the result of any domestic
25 or international terrorism event;

1 (B) engaging in, or providing support to,
 2 countering, investigating, or prosecuting domes-
 3 tic or international terrorism, including, without
 4 limitation, paying rewards in connection with
 5 these activities; and

6 (C) conducting terrorism threat assess-
 7 ments of Federal agencies and the facilities of
 8 Federal agencies; and

9 “(2) to reimburse departments and agencies of
 10 the Federal Government for any costs incurred in
 11 connection with—

12 “(A) counterterrorism technology research
 13 and development; and

14 “(B) providing training and related equip-
 15 ment to State and local law enforcement agen-
 16 cies for prevention and response capabilities
 17 against bombs and against chemical, biological,
 18 nuclear, and cyber attack.

19 “(c) REPROGRAMMING PROCEDURES.—For any fiscal
 20 year, amounts in the Fund shall not be available for reim-
 21 bursement under subsection (b)(1) except in accordance
 22 with the reprogramming procedures applicable to general
 23 Department of Justice appropriations for that year.”.

24 (b) NO EFFECT ON PRIOR APPROPRIATIONS.—The
 25 amendment made by subsection (a) does not affect the

1 amount or availability of any appropriation to the
2 Counterterrorism Fund made before the date of enact-
3 ment of this Act.

4 **SEC. 8405. USE OF GOVERNMENT VEHICLES.**

5 (a) IN GENERAL.—Section 4(a) of the Act of May
6 14, 1947 (61 Stat. 86) is amended in the second
7 sentence—

8 (1) by striking “the use of the employer’s vehi-
9 cle is subject” and inserting “the use (including
10 driving) of the employer’s vehicle either is subject”;
11 and

12 (2) by striking the period at the end and insert-
13 ing “ or, notwithstanding subsection (b), is required
14 or permitted by the employer under section 1344 of
15 title 31.”.

16 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
17 ment made by subsection (a)—

18 (1) takes effect on the date of enactment of this
19 Act; and

20 (2) shall apply to any civil action pending on
21 that date and to any civil action brought after that
22 date.

1 **SEC. 8406. CLARIFICATION OF LITIGATION AUTHORITY OF**
2 **ATTORNEY GENERAL.**

3 Section 107(e) of Public Law 103–3 (107 Stat. 17)
4 is amended by striking “The” and inserting “With the ex-
5 press permission of and under the direction and authority
6 of the Attorney General, the”.

7 **SEC. 8407. OVERSIGHT; WASTE, FRAUD, AND ABUSE.**

8 (a) Not later than February 1 of each year, the Attor-
9 ney General shall provide to the Judiciary and Appropria-
10 tions Committees of each House of the Congress—

11 (1) a report identifying and describing every
12 grant, cooperative agreement, or services contract
13 that was made, entered into, awarded, or extended,
14 in the immediately preceding fiscal year, by the Of-
15 fice of Justice Programs (including, without limita-
16 tion, any component or unit thereof), and including,
17 without limitation, for each such grant, agreement,
18 or contract: the term, the dollar amount or value,
19 the purpose or purposes, the names of all parties
20 (including, without limitation, any subgrantees or
21 subcontractors), and the name of the contracting of-
22 ficer; and

23 (2) a performance review of every grant, coop-
24 erative agreement, or services contract made, en-
25 tered into, awarded, or extended by the Office of
26 Justice Programs (including, without limitation, any

1 component or unit thereof) that was terminated or
2 otherwise ended in the immediately preceding fiscal
3 year, and including, without limitation, for each such
4 grant, agreement, or contract: a complete and de-
5 tailed description of how the appropriated funds in-
6 volved actually were spent, complete and detailed
7 statistics relating to its performance, purpose or
8 purposes, and effectiveness, and a sworn certificate
9 by each grantee, contractor, subcontractor, or sub-
10 grantee that—

11 (A) the appropriated funds were spent for
12 such purpose or purposes, and only such pur-
13 pose or purposes;

14 (B) the terms of the grant, agreement, or
15 contract were complied with; and

16 (C) all documentation necessary for con-
17 ducting a full and proper audit under generally
18 accepted accounting principles, and any (addi-
19 tional) documentation that may have been re-
20 quired under the grant, agreement, or contract,
21 have been kept in orderly fashion and will be
22 retained for not less than 3 years from the date
23 of such termination or end.

1 (b) Section 1005 of the Legal Services Corporation
2 Act (Public Law 93–355) is amended by adding at the
3 end the following:

4 “(h) WASTE, FRAUD, AND ABUSE.—With respect to
5 any appropriated funds available to the Corporation—

6 “(1) for purposes of sections 286, 287, 666,
7 1001, 1002, and 1913 of title 18, United States
8 Code, the Corporation shall be considered to be a de-
9 partment or agency of the United States Govern-
10 ment;

11 “(2) for purposes of sections 3729 through
12 3733 of title 31, United States Code, the term
13 ‘United States Government’ shall include, without
14 limitation, the Corporation;

15 “(3) applicants for financial assistance from the
16 Corporation shall file applications supported by writ-
17 ten declarations pursuant to section 1746 of title 28,
18 United States Code, and such declarations shall be
19 subject to sections 1621 and 1622 of title 18 of such
20 Code;

21 “(4) for purposes of section 1516 of title 18,
22 United States Code—

23 “(A) the term ‘Federal auditor’ shall in-
24 clude, without limitation, any auditor employed

1 or retained on a contractual basis by the Cor-
2 poration;

3 “(B) the term ‘contract’ shall include,
4 without limitation, any grant, contract, or coop-
5 erative agreement made by the Corporation;
6 and

7 “(C) the term ‘person’, as used in sub-
8 section (a) of such section, shall include, with-
9 out limitation, any party receiving financial as-
10 sistance under paragraphs 1006(a) (1) or (3) of
11 this Act; and

12 “(5) funds provided by the Corporation pursu-
13 ant to section 1006 of this Act shall be deemed to
14 be Federal appropriations when used or in use by
15 any contractor, grantee, subcontractor, or sub-
16 grantee of the Corporation, and shall be deemed to
17 be benefits under a Federal program involving a
18 grant, contract, subsidy, loan, guarantee, insurance,
19 or other form of Federal assistance within the mean-
20 ing of section 666 of title 18, United States Code.

21 “(i) AUDITS.—The Comptroller General annually
22 shall conduct an audit of the Corporation and shall, not
23 later than December 1 of each year, report the results
24 thereof to the Congress and the Attorney General.”.

1 **SEC. 8408. CHIEF FINANCIAL OFFICER OF THE DEPART-**
2 **MENT OF JUSTICE.**

3 (a) ASSISTANT ATTORNEY GENERAL AS CHIEF FI-
4 NANCIAL OFFICER.—Section 507 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(c) DEPARTMENT OF JUSTICE.—The Assistant At-
8 torney General for Administration shall be the Chief Fi-
9 nancial Officer for the Department of Justice and exercise
10 the authority and functions under section 902 of title 31
11 relating to that Department.”.

12 (b) TERMINATION OF EXISTING CHIEF FINANCIAL
13 OFFICER.—Section 901(b)(1) of title 31, United States
14 Code, is amended—

15 (1) by striking subparagraph (I); and

16 (2) by redesignating subparagraphs (J) through
17 (P) as subparagraphs (I) through (O), respectively.

18 (c) EXECUTIVE LEVEL IV POSITION.—Section 5315
19 of title 5, United States Code, is amended by striking the
20 following:

21 “Chief Financial Officer, Department of Jus-
22 tice.”.

23 (d) EFFECTIVE DATE.—This section shall take effect
24 30 days after the date of enactment of this Act.

1 **TITLE IX—MISCELLANEOUS**

2 **SEC. 9101. CARRYING OF CONCEALED FIREARMS BY QUALI-**
 3 **FIED CURRENT AND FORMER LAW ENFORCE-**
 4 **MENT OFFICERS.**

5 (a) EXEMPTION OF QUALIFIED CURRENT AND
 6 FORMER LAW ENFORCEMENT OFFICERS FROM STATE
 7 LAWS PROHIBITING THE CARRYING OF CONCEALED
 8 FIREARMS.—

9 (1) IN GENERAL.—Chapter 44 of title 18,
 10 United States Code, is amended by inserting after
 11 section 926A the following:

12 **“§ 926B. Carrying of concealed firearms by qualified**
 13 **current and former law enforcement offi-**
 14 **cers**

15 “(a) DEFINITIONS.—

16 “(1) DEFINITIONS.—In this section:

17 “(A) APPROPRIATE WRITTEN IDENTIFICA-
 18 TION.—The term ‘appropriate written identi-
 19 fication’ means, with respect to an individual, a
 20 document that—

21 “(i) was issued to the individual by
 22 the public agency with which the individual
 23 serves or served as a qualified law enforce-
 24 ment officer; and

1 “(ii) identifies the holder of the docu-
2 ment as a current or former officer, agent,
3 or employee of the agency.

4 “(B) FIREARM.—The term ‘firearm’
5 means a firearm that has traveled, or of which
6 any component has traveled, in interstate or
7 foreign commerce.

8 “(C) QUALIFIED FORMER LAW ENFORCE-
9 MENT OFFICER.—The term ‘qualified former
10 law enforcement officer’ means an individual
11 who is—

12 “(i) retired from service with a public
13 agency, other than for reasons of mental
14 disability;

15 “(ii) immediately before retirement,
16 was a qualified law enforcement officer
17 with that public agency;

18 “(iii) has a nonforfeitable right to
19 benefits under the retirement plan of the
20 agency;

21 “(iv) was not separated from service
22 with a public agency due to a disciplinary
23 action by the agency that precluded the
24 carrying of a firearm;

1 “(v) meets the requirements estab-
2 lished by the State in which the individual
3 resides with respect to—

4 “(I) training in the use of fire-
5 arms; and

6 “(II) carrying a concealed weap-
7 on; and

8 “(vi) is not prohibited by Federal law
9 from receiving a firearm.

10 “(D) QUALIFIED LAW ENFORCEMENT OF-
11 FICER.—The term ‘qualified law enforcement
12 officer’ means an individual who—

13 “(i) is authorized by law to engage in
14 or supervise the prevention, detection, or
15 investigation of any violation of criminal
16 law;

17 “(ii) is authorized by the agency to
18 carry a firearm in the course of duty;

19 “(iii) meets any requirements estab-
20 lished by the agency with respect to fire-
21 arms; and

22 “(iv) is not the subject of a discipli-
23 nary action by the agency that precludes
24 the carrying of a firearm.

1 “(b) RIGHT TO CARRY CONCEALED FIREARM.—Not-
 2 withstanding any provision of the law of any State or any
 3 political subdivision of a State, an individual may carry
 4 a concealed firearm if the individual—

5 “(1) is a qualified law enforcement officer or a
 6 qualified former law enforcement officer; and

7 “(2) is carrying appropriate written identifica-
 8 tion.

9 “(c) EFFECT ON OTHER LAWS.—

10 “(1) COMMON CARRIERS.—Nothing in this sec-
 11 tion exempts from section 46505(b)(1) of title 49—

12 “(A) a qualified law enforcement officer
 13 who does not meet the requirements of section
 14 46505(d) of title 49; or

15 “(B) a qualified former law enforcement
 16 officer.

17 “(2) FEDERAL LAWS.—Nothing in this section
 18 supersedes or limits any Federal law (including a
 19 regulation) that prohibits or restricts the possession
 20 of a firearm on any Federal property, installation,
 21 building, base, or park.

22 “(3) STATE LAWS.—Nothing in this section su-
 23 persedes or limits any State law that—

1 “(A) grants a right to carry a concealed
2 firearm that is broader than the right granted
3 under subsection (b);

4 “(B) permits a private person or entity to
5 prohibit or restrict the possession of concealed
6 firearms on the property of the person or enti-
7 ty; or

8 “(C) prohibits or restricts the possession of
9 a firearm on any State or local government
10 property, installation, building, base, or park.”.

11 (2) CONFORMING AMENDMENT.—The analysis
12 for chapter 44 of title 18, United States Code, is
13 amended by inserting after the item relating to sec-
14 tion 926A the following:

“926B. Carrying of concealed firearms by qualified current and former law en-
forcement officers.”.

15 (b) AUTHORIZATION TO ENTER INTO INTERSTATE
16 COMPACTS.—

17 (1) IN GENERAL.—The consent of Congress is
18 given to any 2 or more States—

19 (A) to enter into compacts or agreements
20 for cooperative effort in enabling individuals to
21 carry concealed weapons as dictated by laws of
22 the State within which the owner of the weapon
23 resides and is authorized to carry a concealed
24 weapon; and

1 (B) to establish agencies or guidelines as
 2 the States may determine to be appropriate for
 3 making effective such agreements and com-
 4 pacts.

5 (2) RESERVATION OF RIGHTS.—Congress re-
 6 serves the right to alter, amend, or repeal this sec-
 7 tion.

8 **SEC. 9102. EXEMPTION OF THE RETURN OF A PAWNED OR**
 9 **REPAIRED FIREARM FROM THE REQUIRE-**
 10 **MENT THAT AN INSTANT CRIMINAL BACK-**
 11 **GROUND CHECK BE CONDUCTED IN CONNEC-**
 12 **TION WITH THE TRANSFER OF A FIREARM.**

13 Section 922(t)(1) of title 18, United States Code, is
 14 amended by inserting “(not including returning a firearm
 15 to a person from whom the firearm was received)” before
 16 “to any other person”.

17 **SEC. 9103. FUNDING OF NATIONAL CENTER FOR RURAL**
 18 **LAW ENFORCEMENT.**

19 (a) FUNDING AUTHORITY.—The Attorney General
 20 shall annually provide funding for the National Center for
 21 Rural Law Enforcement (referred to in this section as the
 22 “Center”), if the executive director of the Center certifies,
 23 in writing, to the Attorney General that the Center—

24 (1) is incorporated in accordance with applica-
 25 ble State law;

1 (2) is in compliance with the bylaws of the Cen-
2 ter;

3 (3) will use amounts made available under this
4 section in accordance with subsection (b); and

5 (4) will not support any political party or can-
6 didate for elective or appointed office.

7 (b) USE OF FUNDS.—

8 (1) IN GENERAL.—The Center shall use
9 amounts made available under this section for devel-
10 opment of an educational program for law enforce-
11 ment agencies serving rural areas, and the employ-
12 ees of those agencies, which shall include—

13 (A) the development and delivery of man-
14 agement education and training, technical as-
15 sistance, practical research and evaluation, and
16 computer and forensic education and training
17 for employees of law enforcement agencies serv-
18 ing rural areas, tribal police and railroad police,
19 including supervisory and executive managers of
20 those agencies;

21 (B) the conduct of research into the causes
22 and prevention of criminal activity in rural
23 areas;

24 (C) equitable educational opportunities;

1 (D) the development, promotion, and vol-
2 untary adoption of national educational and
3 training standards and accreditation certifi-
4 cation programs for law enforcement agencies
5 serving rural areas and the employees of those
6 agencies;

7 (E) the development and dissemination of
8 information designed to assist States and units
9 of local government in rural areas throughout
10 the United States;

11 (F) grants to, and contracts with, Federal,
12 State, and local governments, law enforcement
13 agencies serving rural areas, public and private
14 agencies, educational institutions, and other or-
15 ganizations and individuals to carry out this
16 subsection;

17 (G) the establishment and maintenance of
18 a resource and information center for the collec-
19 tion, preparation, and dissemination of informa-
20 tion on criminal justice and law enforcement in
21 rural areas, including programs for the preven-
22 tion of crime and recidivism;

23 (H) the delivery of assistance, in a consult-
24 ative capacity, to criminal justice agencies in
25 the development, establishment, maintenance,

1 and coordination of programs, facilities and
2 services, training, and research relating to
3 crime in rural areas;

4 (I) assistance to Federal, State, and local
5 government programs and services for law en-
6 forcement agencies in rural areas;

7 (J) the development of technical education
8 and training teams to aid in the development of
9 seminars, workshops, and education and train-
10 ing programs with State and local agencies that
11 work with law enforcement agencies serving
12 rural areas;

13 (K) conducting, encouraging, and coordi-
14 nating research relating to law enforcement and
15 criminal justice issues, including the causes, as-
16 sessment, evaluation, analysis, and prevention
17 of criminal activity;

18 (L) the formulation and recommendation
19 of law enforcement policies, goals, and stand-
20 ards in rural areas applicable to criminal justice
21 agencies, organizations, institutions, and per-
22 sonnel; and

23 (M) coordination with institutions of high-
24 er education for the purpose of encouraging

1 programs of study for law enforcement in rural
2 areas at those institutions.

3 (c) POWERS.—In carrying out subsection (b), the
4 Center may—

5 (1) apply for and make grants from or to and
6 enter into contracts or cooperative agreements with
7 Federal, State, and local governments, public or pri-
8 vate institutions, organizations, entities, and individ-
9 uals necessary or convenient to the exercise of the
10 functions or powers conferred explicitly or implicitly
11 by this section;

12 (2) arrange, as permitted by law, for the loan,
13 assistance, or use of facilities or equipment or per-
14 sonnel from Federal agencies, departments, or other
15 entities on a reimbursable or nonreimbursable basis;
16 and

17 (3) procure the services of experts and consult-
18 ants in a manner similar to section 3109 of title 5,
19 United States Code, at rates of compensation estab-
20 lished by the board of directors of the Center, not
21 to exceed the daily equivalent of the maximum rate
22 of pay payable for a position at level IV of the Exec-
23 utive Schedule under section 5315 of title 5, United
24 States Code.

1 (d) SELECTION AND TRANSFER OF SURPLUS PROP-
 2 ERTY.—For purposes of the selection and transfer of sur-
 3 plus property under section 203(j) of the Federal Property
 4 and Administrative Services Act of 1949 (40 U.S.C.
 5 484(j)), the Center shall be treated as a State agency (as
 6 designated under State law in accordance with section
 7 203(j)(1) of that Act).

8 (e) REIMBURSEMENT OF TRAVEL COST.—For pur-
 9 poses of official travel, costs shall be reimbursed in accord-
 10 ance with part 300–1 of title 41, Code of Federal Regula-
 11 tions (or any successor regulation) and other statutory re-
 12 quirements and executive policy applicable for travel by
 13 Federal civilian employees and other persons authorized
 14 to travel at Government expense.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 16 are authorized to be appropriated to carry out this
 17 section—

18 (1) \$22,000,000 for fiscal year 2000; and

19 (2) such sums as are necessary for fiscal years
 20 2001 through 2005.

21 **SEC. 9104. CENTER FOR DOMESTIC PREPAREDNESS FOR**
 22 **ACTS OF TERRORISM.**

23 (a)(1) IN GENERAL.—The Attorney General shall,
 24 subject to the availability of appropriations, fund the De-
 25 partment of Justice Center for Domestic Preparedness.

1 (2) PURPOSES.—Funds provided pursuant to this
2 section shall be for the following purposes:

3 (A) the development, delivery, and sustainment
4 of domestic preparedness training programs for
5 State and local first responders;

6 (B) the acquisition of facilities and equipping
7 for necessary training and support operations;

8 (C) the establishment of a seaport first re-
9 sponder training facility; and

10 (D) necessary administrative expenses.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated \$33,000,000 for each
13 of fiscal years 2000 through 2004 to carry out subsection
14 (a).

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